

Popular Threads on Solosez

Advice For A 3L Starting Practice Right Out Of Law School

After I graduate in May 2006, I plan to move down to Dallas, pass the Texas Bar, and start my own practice right out of law school. I know it's still more than a year away, but I thought that it's better to start planning early. I'm looking to practice in criminal defense, civil rights, and/or consumer law. I have experience in consumer law because I clerk in the consumer protection division with the state AG's office. In addition, I was also an investment advisor before coming to law school. I also will have taken practical courses like client counseling, trial ad, pretrial litigation, advanced legal research, and civil clinic. I have taken or will take substantive courses in crim law & pro., evidence, bankruptcy, civil rights litigation, first amendment law, unfair competition and deceptive trade practices, and capital punishment. How much does anyone think that these experiences and courses will help me starting out on my own? In addition, what types of things can I do to generate some cash flow as quickly as possible? How hard is it to get court appointments in Texas? What types of things can I do to reduce my overhead and other costs? I'll have a working spouse and some savings when I start off, but I still want to keep my initial cash outlays as low as possible. I'm looking for whatever advice I can get on these topics, or any other topics that anyone thinks would be helpful in my planning. Thank you all for any advice that you give.

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Having gone through this avenue fairly recently I will put in my 2 cents. I can't speak for the whole country, but in many places you will pay around \$300 a month now for a virtual office - and that may even lack some of the bells and whistles. Where I live it most certainly would include only a limited use of conference space. If you can find an office share situation you might be able to get away with paying \$300-500. Some people have extra space that they are not using and they are not aggressively marketing it. Also, some professionals such as CPAs and Attorneys like the idea of having someone with a complementary practice in their suite because they view you as a potential referral source.

Albert Unger

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1. On getting criminal appointments (Texas specific). It partly depends on where you are going to be practicing. Texas has seriously revamped their rules re: court appointments. This is changing pretty much daily (though mostly in October at budget time), so what we can tell you now will be useless by the time you pass the bar.

A number of the larger jurisdictions are either going towards, or already use, a public defender (PDs are a "new" development for Texas generally).



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In smaller towns, not only is there less competition, but few people want the criminal appointments, and there is no PD. On the other hand, you may have to practice in several counties to make a living, especially in the really small towns.

The very first thing I would do if I were you would be to call the Dallas criminal courts and find out if they have a PD, and what that PD does. If they don't have a PD, then I would ask them to send you a copy of the application for the County Court Appointment Panel. Then, you can see what you are up against. My experience is, most of them are highly skewed in favor of persons who have worked somewhere as an assistant DA. It's one thing if you've been practicing for ten years and now there's new rules, and you want to apply to the panel; it's another entirely for people right out of law school.

Each county has a different set of rules for qualifying attorneys for criminal appointments. The new law allows each county some leeway, because the state recognizes that what might work in Houston would be completely unwieldy in Cut-and-Shoot, Dime Box, Coffee City, or even Ennis. The county judges set the criteria, based on who's available locally.

In San Antonio at this moment, you cannot get appointed in district court unless you first have a certain amount of experience in county court. The experience, if I remember correctly, is at least two county court cases tried to a verdict, a certain number of plea bargains, sit second in district court, recommendations from several criminal attorneys, yada yada. Getting appointments for county court (if memory serves) requires more than one year of experience (which really skews the appointments towards former prosecutors), and at least one case tried to a verdict, plus plea bargains and recommendations. In addition, one must imbibe in at minimum of 15 hours of criminal CLE per year (all well and good if you do ONLY criminal law, but if you do anything else, you're going to go over your allotment of CLE every year so you can take CLE relevant to other areas of law). First year attorneys are generally exempt from CLE requirements, but I don't know if they are exempt from CLE for panel requirements.

My brother is board certified in criminal law, has tried dozens of criminal cases (most to a not guilty), has been first chair in several capital cases, and has done several death penalty appeals up to the USSCt, and he had trouble qualifying for the capital panel because requirements were heavily skewed towards persons who had worked for the state. This has since been fixed, at least on the capital panel, but I doubt it's been fixed at the county court level.

The good news is, the pay is substantially better than it was three years ago, I believe the current rate is about \$90 per hour, and the judges have been limited in their ability to cut your stated hours. However, this is working out to be expensive. The judges have decided to bring all the appeals in-house and hire a PD just for appeals, on the theory this will be cheaper (not better, necessarily, but it *will* be cheaper). Personally, I think this is the first step to an overall PD system here, but we'll see.

2. Not to put too fine a point on it, but there are easier (and more profitable) ways to get criminal work in Texas. Criminal appointments (at

least theoretically) are no longer for those with ink still fresh on the parchment. On the other hand, in small cities (and I mean small) there aren't enough attorneys to go around, so if you ask, you'll probably receive. Just keep in mind that you *aren't* qualified to plead, never mind try, a criminal case, and should pay a mentor (which beats all the profit the first six months, damn it).

3. Virtual offices with a presence in an executive suite are easy if you live in the large cities or close bedroom communities, and they are not looked down upon as they appear to be in some other states. I put this down to the fact that we still pretend to be a rural state. People know that it can be difficult to find office space in rural areas, and so it is okay to have a home office even if you aren't in a rural area. I've never heard of a client commenting unfavorably, I have occasionally heard an attorney comment (usually an older one from back when dinosaurs roamed).

You can use the courthouse to interview most clients (there is almost always space set aside for this purpose). In smaller towns, it will be difficult (read impossible) to find appropriate executive office space to see clients on an as needed basis. On the other hand, sharing space may be possible. And meeting someone at Lou's coffee shop is not looked down upon (except, obviously, not okay in criminal cases).

4. Dallas and the surrounding bedroom communities are highly competitive. As are *all* of the corridor cities (Ft. Worth, Dallas, Waco, Temple, Austin, San Marcos, San Antonio, Corpus Christi, Lubbock, Houston, and probably Victoria). You may want to rethink your relocation strategy. You will have much less competition, with not much lower rates, in some of the slightly smaller towns. For example, in North East Texas, there is not a law school to be seen in a two hour drive, but there is a highly respected federal court house, several very good-sized cities, industry, decent schools, water, and good real estate prices. It is also humid, racist, and mostly dry (no liquor)--but there's always tradeoffs.

5. Essentials--a Comprehensive Marketing Plan, and money to implement same. Don't bother without one. A phone. A license to practice law, which in Texas, requires a J.D.

Near essentials--Professionally printed business cards. A dedicated phone line. A business bank account. A place to see clients (or a plan to see them in their home or place of business). A trust account (only if you will have trust funds). A phone book.

Also useful---A computer (probably a laptop, because it is most flexible) with an office suite and a data base. A printer and a case of paper. A UPS. A desk that can be used solely for work, and that no one else will touch. A filing cabinet and a filing system. A separate account into which to deposit your quarterly tax payments on an "as received" basis. A basic understanding of accounting principles (no, you can't delegate this). Stamps. A box of blue pens. A stapler. A staple remover. A ruler (you'd be surprised). A box of file folders (letter sized). Framed diploma and license (if you must). A stamp marked "file" and a stamp marked "copy." A box of number ten envelopes. A place to see clients and prospects whom you do not want in your home. A guaranteed source of income (such as a

spouse). No student loans. A ready made network (such as a place you attended high school).

Becki Fahle, San Antonio, Texas

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Don't listen to the articles, books, etc...What I find with these pieces is that everyone writes from their own experience and what worked for them without bothering to think about what will work for others. I find that there are very few "truths" in solo practice; for every piece of conventional wisdom, there are many exceptions.

Anyway, here are links to some of my past postings at MyShingle on the home office, pros and cons <http://myshingle.wynn.com/search.pl?query=%22home+office%22>. Also, check the Online Guide (menu, upper left corner, then just do a "find" word search for "home office")

Pros of home office - lower costs (and less financial stress), less commuting time (important w/kids), also can keep an eye on a home sitter if you have kids or even not get a sitter and set up to work between naps (which only works if you'll be working under 15 hours a week). Cons - could be seen as less professional, but you can solve that with a "virtual" office address or just ignoring it and realizing that there are attorneys who run million dollar firms out of their basements (I know a few). Also, could be easier to get distracted with home tasks, but that can happen in an office w/chit chat, long lunches, etc...

I've worked in home office and downtown office. Though I have to admit that I did marginally prefer having an office, it's not worth it to me now to have an extra expense and hassle of commute when I need to be home by 4 to pick up my girls at the bus.

Carolyn Elefant

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Also, in the book area, read Jay Foonberg's book How To Start & Build A Law Practice. I'm sure it's available at your law school library or you can buy a copy from Amazon, etc. It provides a good overview of issues to think about.

Bernie Dietz

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On top of all this great advice, don't forget to check out MyShingle.com. There's a menu in the upper left corner; you should check "Archives I" (which are searchable) and also the Online guide (many forms that may be of use to you). Here's one list of articles that came up on the topic of law school to solo practice when I ran a search:

<http://myshingle.wynn.com/search.pl?query=solo+law+school+graduate>

As you know, my own personal belief is that it's optimal for most people to work for 1-3 years before going solo. Has nothing to do w/gaining

experience, I think it's just easier if you can market and network on someone else's dime and repay loans if you have them. But since you've already been working, you may have some business networking in place and since your spouse works, there's a little less financial pressure on you to take whatever walks through the door. But as articles on my website and others on the website make clear, you can succeed going solo right after law school just as well.

Carolyn Elefant

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Here is what I found helped me:

Advertise. In my case, I picked an audience (At the time there were only 4 lawyers listed in the Hispanic yellow pages, so I targeted the Hispanic market and learned Spanish to do it). I advertised in publications for that audience. (the next year had over 30 lawyers advertising, so I wasn't the only one with the idea). I even did a few TV spots (acting like you are listening to the phone is harder than it looks). I advertised for a limited time period and after that relied on word of mouth.

I'm going to pass on the golden rule given to me by Konstantine Prevas, an attorney who has been practicing Immigration Law longer than I've been alive. It took me several years to realize the truth of what Mr. Prevas told me, and I repeat it all the time.

YOU ARE NOT A BANK.

Don't extend credit to any client. Demand the money up front. Clients who value your services will be willing to pay. Clients who don't value your services aren't needed.

As a corollary rule, I've found:

EVERYONE CAN GET THEIR HANDS ON \$500. (actually, often they can do more).

Charles D. Yates

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Becki is right in that it is true that with virtual office space, you can have months where you wind up paying the equivalent of an office. When I first started out w/virtual space (10 years ago), I must have paid almost \$300 in busy months, with office room use as well as phone service (that was pre-cell) and fax. The one advantage is that it's month to month and in those months that you pay more, chances are you're billing more too. So you see a correlation between more income and more costs and psychologically, you may feel a little less burdened.

Carolyn Elefant

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Check the Solosez archives for rich veins of information on law practice management, opening an office, avoiding stress when you can and managing it when you can't.

Carolyn J. Stevens Lolo, Montana

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What do you all think about taking on court-appointed work to generate some cash flow early on? Also, how hard is to get this type of work for a new solo right out of law school?

3L

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I haven't read the previous posts in this thread, so I'm sorry if I duplicate anyone's previous wisdom.

I agree regarding the criminal appointment work -- you don't need an actual office. A good friend of mine works out of her minivan and her briefcase.

I would suggest getting a laptop with wireless capabilities, a cell phone and a T-Mobile HotSpot account, so you can log in to the internet at any Starbuck's, Kinko's or Borders. Get a fax number from www.greenfax.com, or any other virtual fax service.

You can do 90% of your business in a Starbuck's or at the jail.

I would contact all of the criminal defense lawyers in the phone book and ask them if they have a minimum fee. Ask for referrals on any cases where the client can't pay the minimum. (Have your own minimum, though.) Offer to do contract work (i.e. independent contractor) and appearance work for them while you're at it.

If you're lucky, you'll find someone you like and they may be willing to let you meet clients at their office if it's absolutely necessary to have an "office" meeting.

At all costs, avoid the temptation to prove to the client that you know what you're doing. I've seen too, too many new attorneys recite a law school exam answer regarding the client's fact pattern, just to prove to the client that they know the answers. They assume you know what you're doing. Besides, explaining the law to them only gives them expectations that you may not be able to meet once a judge or jury become involved.

On the other hand, always explain the process of what will happen. (i.e. "first we'll have a preliminary hearing, and the court will hear evidence to support the charges. It's pretty much a dog and pony show, and you should expect that they judge will find that the charges are supported. After that we'll...")

Lastly, get paid up front. Always. No exceptions. If you engage on a criminal matter, you'll have a heck of a time getting off the case if the

client doesn't pay.

David Hiersekorn, Santa Ana, California

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Congratulations on your decision. I graduated in May 2004, and after clerking this year for the Massachusetts Superior Court, I'll be hanging my shingle in Brooklyn, NY in September.

What I plan to do (and what a lot of new solos do) to get their practices off the ground is to work for other attorneys on a contract basis. Of most immediate concern, this puts money in your pocket. But it also allows you to build your legal skills while forging relationships with other attorneys. Out of those relationships, hopefully, will come some mentoring and referrals. And all the while, you have the freedom and flexibility to do your own marketing and to take on your own cases as that marketing begins to pay off.

Towards that end, I highly recommend "The Complete Guide to Contract Lawyering" by Deborah Arron and Deborah Guyol. You can buy it here: http://www.decisionbooks.com/book_freelance.shtml

Also, Erin mentioned that she's doing some long-term discovery work for, what I assume, is a larger-sized firm. You can find such "bread and butter" contract work through a temporary legal placement agency in your city. A few of my friends have worked through Update Legal in NYC, which also operates in Dallas, and they've all had good things to say about them. <http://www.updatelegal.com/>

David J. Galalis, Boston, Massachusetts

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I didn't see it mentioned, but the first book to order is "How to Start and build a Law Practice" by Jay Foonberg.

Deborah Matthews, Alexandria, Virginia

===== I liked and used "Hanging Out a Shingle" by Harry F. Weyher

Eli Guiterman

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Assuming you pass the BAR, which you will if you pay attention at your BAR-BRI courses and do what they tell you, you will be a lawyer. Do not work during BAR-BRI but as soon as you take the BAR get a job as a law clerk with a small firm. If you do not have a big-law job already lined up, don't bother looking (were you a summer associate?) It's no fun anyway.

When you have passed the BAR, I do not recommend "contract work" for experience. You gain no absolutely no practical experience, you will most likely be placed in a back room law library or a warehouse in a po'-dunk former industrial town with five to ten other neophytes and asked to do

"document review" "or second level review". It is a soul sucking, mind-numbing and terribly boring ordeal.

The only experience you gain is how to read (scan) fifty-thousand documents for "key words" while playing with your i-pod and getting yelled at by an overworked stressed out former Law Review Editor, (a.k.a. an "Associate") who has no more idea on how to practice law than you. Remember, you are actually working the same hours as him/her, making more money, and have zero real responsibilities other than showing up. What you do have, is a high paying dead-end job.

Contract work is however, a fantastic way to make some money to start your own business I have seen them offer \$20.00 to \$55.00 an hour with unlimited overtime. If you need a wad of cash to nest egg your business or need to pay of creditors then work one year at Seventy to eighty hours a week (\$170K after taxes) during this year, be sure to sacrifice all of your social needs. At the one year mark, to ensure you do not become a "lifer" QUIT**. After having a pitcher of beer with the Associate, Take two weeks off and go to the islands. **WARNING They will hang the proverbial "staff attorney" or "associate attorney" carrot in front of your face to keep you temping DO NOT BE BAITED it is not worth it, remember that Associate who was yelling at you? Anyway, it is just bait; they will never give a permanent lawyer job to a glorified temp. You would have had to be a summer associate or something, right?

Upon your return contact a Malpractice Carrier and buy a policy. Contact Reid Trautz or a similar BAR provided mentor. Go out and rent an Office. I recommend subletting from an attorney who can mentor you and refer Business. Become a member of a lawyer referral service, take the court specific CLE courses to become a panel member in your area, advertise in magazines, send out tombstones, and go to BAR events, etc.

To sum up: With a wad of cash in your hand, an insurance policy, a desk in a decent suite, the advice of the members of this list and the realization that you could never ever work in big law, you will be a successful solo.

Eli Guiterman

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I've read the articles and books, and most of them appear to suggest not practicing from home. Anybody have any experience working primarily from home? How's it going?

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Don't rule out blogging as a form of marketing. Even though you are new, you can still do a good job of providing information to your readers on your area of law.

Grant Griffiths

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The first place to look is in your Law School's Library. I know Foonberg's

book is in law library at my law school as are a number of books on the topic of law practice management. My favorite title is "How to Go Directly into a Solo Practice Without Missing a Meal" by Gerald Singer.

Since I plan on staying relatively near to my law school I checked on its availability as an alumni. Seems as a member of the local bar I get full privileges as far as borrowing books. However, its open on a non-borrowing basis to the general public. Which for the most part never shows up.

So far the biggest short coming of any book is their lack of coverage of legal software. Its understandable given the rate at which Technology changes.

John A. Davidson

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You can buy Opening A Law Office by CYLA available at www.calbar.ca.gov/cyla (<http://www.calbar.ca.gov/cyla>) . A new version will be out in September. (Full disclosure: I am on the board of CYLA, which stands for California Young Lawyers Association, like the ABA YLD but for us nice folks in California.) Jonathan G. Stein, Elk Grove, California

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I work from home. No problems so far. I have a street address (as you can see from my signature block) that accepts packages and people have served docs on my "staff" there. I use an internet faxing program, and have the rest of the office set up as if I were in an office. I have my library. I am not sure what there is wrong with it or why these fine folks who you are reading say not to do it. I have no overhead, I am home when I need to be, and I have never had a client not hire me because of where I work. Most of them dont know where I work anyway. I know CJ works from home, as do several others on the list. Its a matter of personal preference, but if you are going to work from home, you better make dang sure that you are motivated and can handle it. (Maybe that is why the authors of these articles suggest it - maybe they dont have the skills to work from home!) Jonathan G. Stein, Elk Grove, California

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I also went solo right out of law school. Actually, I went solo after an unsuccessful job search for a position in public service and a 7 month bartending stint. I only graduated in May 2004 and went solo in March 2005, so I can offer some perspective on being very green.

First, I was able to hook up with two other more experienced attorneys. One does domestic relations, one does criminal law. Both have sent cases my way and I fill in for them at court because my calendar is not as full as theirs. This kind of help has been a huge motivator. I interned at the Federal Public defenders office law school, and worked for free for the Cincinnati PD's office while studying for the bar/waiting on bar exam results. I now take felony appointments from the public defender's office.

The pay isn't great, but the learning experience is invaluable and I still have a support system throughout that office.

My other advice is to just be thrifty for a while. I bought a laptop that I now do everything on and a cheap printer/copier/scanner/fax machine. For a while I used my cell phone as my home and office phone. I have an office that I rent from the other attorneys, but it is cheap - I have a space in the "attic" of a restored house, but hey - my name's on the front of a very nice looking building. Otherwise I would have worked out of my house. Malpractice insurance isn't terribly expensive and I pay for mine monthly. I definitely don't have a secretary and I scraped together some furniture from friends.

What has really kept me afloat while building up my calendar is doing research/writing/discovery work for firms in town. Right now, I make a decent hourly rate helping one of the big class action firms sift through millions of discovery documents through an online service that I can do from home. As long as I get some of this work in every week, I've got a regular paycheck.

I am very satisfied with what I am doing and keep learning new things everyday. I am able to pay all of my bills and have some fun. I started on my own without an income from a spouse and ZERO savings. It can be scary, but is definitely worth looking into.

M. Erin Wilkins, Newport, Kentucky

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I think it is nice to have the flexibility to do work from different locations, i.e., office, home, café, while on vacation, etc.

I do all of my work on a laptop, and therefore I am able to do work wherever I am. The next two weekends my wife and I will be out of town traveling. If I need to write and fax a letter, I can do it from my laptop. (draft in word, print to PDF, stamp sign, and send with eFax).

I can get all of my faxes and emails while on the road.

I don't think one should limit oneself on the location where work is done. Having the flexibility to work in many different locations brings about the potential for a better quality of life.

...of course, pulling out your Treo 600 to download your email with Snappermail during a romantic dinner with your spouse to see if you have an email from eFax indicating a successful facsimile transmission may not be a good use of technology...

Michael D. Day, Meriden, Connecticut

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IF your law school offers a course in Remedies, sign up for it. That was the single most useful course I took in law school.

Rent a cheap office. Don't hire help until you absolutely need it. Don't buy stuff until you absolutely need it (i.e., you don't need a heavy duty 360 horsepower turbocharged copier initially}. Buy used where you can.

Ronald A. Jones, Florida

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My advice ... (and like all advice, take the best and leave the rest)

First, join the local bar associations if you can. Right now, you qualify for the law student rate, so do it now.

Second, get some business cards. Keep it simple. You can order some on-line at Office Max for about \$20.

Third, attend the bar functions, especially your practice group and the solo group. Meet people, hold genuine conversations, swap cards. These contacts will turn into mentors and referrals.

Fourth, start writing your business plan. Even if you aren't shopping for grants/loans, writing and executing a plan will keep you organized and focused.

Fifth, follow up with all those people from this list who said "stop by". They mean it. These contacts will turn into mentors and referrals.

Sixth, start studying for the state portion of your bar exam. The MBE stuff will be a review of first year. But most likely the state subjects will be new.

Seventh, and finally, have fun your last year. Take classes that are interesting to you. Take professors that are interesting to you. Go outside. Go to the movies, see a show, plant a tree, get a lot of sleep. Sharmil McKee

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When you get down to Dallas, give me a call. I practice consumer law and will be glad to get you connected with the relatively small group of consumer lawyers around here. We meet for lunch every month or so. Be sure to join NACA (see www.naca.net) if you are going to practice consumer law and put on your list of must-haves the library of books from NCLC. Good luck!

Sharon Campbell

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Since I do not do criminal work, I have no knowledge about that. You can generate some cash on some of the consumer law stuff early on, especially if you include landlord/tenant.

Sharon Campbell

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Doing court appointed criminal work can be a great way to jump start your practice. A few years ago, I recall a post about a lawyer who did just that. He took a lot of cases to trial, lost almost all the time, but eventually started to win some that he should have lost. And Soon his door was flooded with clients and he was doing quite well.

Doing criminal law is a good way to get your feet wet in trial work. If you hustle, and keep asking the judges for appointments, then depending on your state's hourly rate, you should be able to make a living almost from the get go. It does take a while for the fees to come in, at least in Alabama. A couple of months after the case is resolved and if there's going to be a trial then you may not get paid on the case for over a year.

I would also encourage federal appointments, which I believe pay \$95/hour. Not bad for a start. Around here the criminal lawyers tell me you can get about roughly \$3000/month in federal appointed work - if you hustle for it.

Also there are other appointed work that judges can give you as well - such as GAL in commitment cases, and Personal Injury cases. Those can be quick sources of cash.

I have heard the story of some attorneys in Birmingham who just constantly hang out in our local family court taking appointed work. They were able to bill 6 or 7 hours a day to family court - and no overhead. For a while they were making a killing until our AG issued an opinion that they should not be paid a set overhead amount. But even so, with \$60/hour and 6 or 7 hours a day, you're still making a living - probably more than starting associates at some of the big firms (well maybe not in NYC).

In any event, once you get your feet wet in the courtroom, then you can branch out to other more risky endeavors such as PI work or employment litigation which you wouldn't want to do right off the bat.

Sterling L. DeRamus, Birmingham, Alabama

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If you are going to do criminal appointed work - why have an office? Your clients can't visit you. If they could they'd have made bail and if they can make bail they probably could afford a lawyer and would not rely on the appointed system (not that those lawyers are bad in any way!)

I'd say simply get a laptop, a fax machine, a different phone line (You don't want to give them your real home number), and a PO Box (you don't want to give these people your home address either).

Sterling L. DeRamus, Birmingham, Alabama

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If you are considering advertising, I would recommend contacting the phone book companies and get yourself set up for when they come out. I opened up shop in October, found a good phone book that was coming out

in December (there not all worth the money) and got in it. However, I had to have my adds set up so that as soon as I received notice that I passed the bar I could give them the OK since their cutoff date was before I got sworn in.

Theron D. Morrison, Ogden, UT

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Come ON Down. Texas is a great place to practice. I echo Sharon's comments. I practice environmental law and hung out my solo shingle in March 2004, after 17 years at BIG law firms. Give me a call when you get into town and we can talk some more.

Walter D. James III, Grapevine, Texas

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