

# Popular Threads on Solosez

## Are Most Solos GP's?

I have a few areas in which I practice. I find I need to be somewhat diverse in order to not turn down good paying business. I prefer civil litigation, meaning in my case, business litigation, real estate litigation, probate litigation. I have a lot of background and experience in those areas. When I first hung my solo shingle, 5 years ago, I held myself out as doing family law as well, frankly, just to get clients in. I also do real estate closings, wills and trusts, and administration of probate estates. I find that as much as I prefer the litigation, the progress of those cases are sometimes impeded when I receive a few closings, or have to prepare the administration of an estate. There appears to be an efficiency in specialization, which streamlines it. For example, when I go to family court, I always see the same group of attorneys who do just family law, and they seem to have a comfort level with issues that would cause me to be hitting the books. Then there's the whole learning curve thing when you don't specialize. I meet other solos, who although they initially hold themselves out as doing a certain type of law, I subsequently find out they do several types of law. I am quite sure they are in the same position as I, having to be "general" to pay the bills. Is it smart to turn away business which you are capable of, and somewhat comfortable with, and to give up substantial income as well? Is it wise to remain a bit "diversified", in the event one practice area grows less profitable? I would appreciate anyone's input. David A. Silverstone Hollywood, Florida

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I read somewhere (Foonberg?) that a solo should pick three areas to practice in (for me it's appellate practice, workers' compensation, civil litigation). Two reasons are 1) it increases efficiency (you can't afford to spend time hitting the books on every case) 2) reduces chances of malpractice. There are many other reasons, but I can't think of them right now. If you get a call from someone outside of your three areas, refer it to someone else with the hopes that they will refer send cases your way. Christopher Bumgarner

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David:

We share many commonalities beyond our first name.

I too practice principally commercial litigation, which includes some real estate litigation, and a bit of other litigation as well. I also concentrate on business alternative dispute resolution, both as advocate and as professional commercial arbitrator for several major forums and also as business mediator. Those things are the core of my practice, and they seem quite similar to your core business. I do virtually no family law, real estate closings, will drafting, or probate administration, however (there are rare minor exceptions here).



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However, over the 5 years since I've been solo (the same time frame as you), I've increasingly developed a transactional practice as well (still only a fraction of my practice), partly because clients demanded that I also help them in certain non-dispute-resolution related matters, and partly because I came to understand that broadening (within reason) the base of the services you offer can broaden your client base, and then you can cross-sell other services to them -- it cuts both ways (from litigation to transactional, and also from transactional to litigation, etc.).

But (and this is the proverbial big "but," as opposed to, the proverbial, well, you know) -- I make sure never to venture too far from what I believe my core competencies are (or soon can become), because I do not want to be a generalist -- I've worked too hard to build expertise in my main areas of practice to be willing to essentially squander that, and I do not want to run the risk of being a jack of all trades (with the corollary implication being that one then may be master of none). I see how poorly non-litigators often tend to do when in court, usually due largely to lack of familiarity with procedures; I don't want to be providing that level of service to my transactional clients in areas that I recognize are -- for one reason or another -- beyond what I can and should do. I also don't want to inadvertently overcharge them by having them pay for my learning curve or for me to reinvent the wheel -- yes, I know there are ways to avoid this to some extent, such as by eating some time charges and getting model documents and advice from colleagues, and I do these and other things on occasion, but too much of it simply is unhealthy for the practice, in my view.

Diversification is good, as you note, but I'd watch to ensure it doesn't go too far afield. Turning away business is -- generally speaking -- bad (unless it's "bad" business, in your assessment). If you're comfortable doing it, you probably should. But rather than turning it away, build a broad and deep referral network of professionals -- preferably niche practitioners who in turn will refer matters within your areas to you -- and you'll benefit yourself, your clients, and your prospects. In fact, I recently wrote an article on just this subject -- it was published in the New York Law Journal in late September (and electronically on Nov. 7), and Carolyn Elefant was kind enough to write about it last week on her blog: <http://www.myshingle.com> More details appear there (scroll down to the Nov. 8 post entitled, "Lawyers as Resource Hubs: A Fresh Marketing Approach") and in the link to the article, than I can include now, in this post.

Best of luck, and let's check in and compare notes with each other periodically, as we have rather parallel practices about 1,000 miles along the east coast from each other.

Best regards,

David Abeshouse, Long Island, New York

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When you figure out the answer to this one let me know. I have been doing that/this for over 20 years. I go for periods where I will not take any

family law, then I take a couple for a pre existing client, and I wonder why I would turn away easy (?) money. I like criminal law, I do some personal injury, but I am known for being a "construction lawyer" handling construction disputes, which includes lots of bond claims, mechanic's liens, etc. In my firm, I definitely take a broader range of cases than any of the other partners (4 of us total) or associates (5).

I guess that may be why I don't make alot of \$; I do what I want or like rather than doing what is efficient or will make me the quickest, easiest buck.

Randy Birch, Salt Lake City, Utah

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Here is the very unscientific approach I took (just a few miles down I-95 from you).

I call it the Sawgrass method of practice growth in honor of the mall where most of my money ends up.

When I started my own practice I had two areas of expertise, Immigration (my primary practice) and Divorce (my secondary area). I also had two daughters. When my wife became pregnant again I added another practice (consumer bankruptcy). When daughter number 4 came along I added practice area number 4 (Elder Law). As each of the two older girls grew up and finished college I dropped one practice area (First elder law, a practice which I loved but found very exhausting to properly market, and then Contested Divorces which I found easy to market but which I found very aggravating and stressful).

I finally broke the pattern this year since Daughter #3 is still in high school but I dropped consumer bankruptcy any way because of the new legislation. I'll probably look to find another new area to take its place. As I said very unscientific and more than a little silly but that is really what I did.

I've always taken some general practice stuff on the side (if it is simple enough) but I have to say there is nothing for me like walking into Immigration Court or the Immigration District Office down here and knowing that the Officers, Judges and Government Attorneys know two things before I say a word: 1. I know what I'm talking about even if they don't agree. 2. That I'm a straight shooter. It is both very invigorating and calming at the same time. Only specialization can do that for you. I also find that I can give the clients more reasonable fees in my area of expertise since in Immigration cases my research time to get up to speed is greatly reduced, combined with the fact that my support staff has systems in place for most immigration matters.

If I was providing advice (and I guess I am) I would recommend having a primary practice and possibly a secondary practice to even out the cash flow. I would not recommend having a third although it is doable. I consider any more than 3 to be really not a good idea (from my own experience) since you'll find yourself in a situation where (paraphrasing Michael Gerber) your life is serving your practice instead of your practice

serving your life.

What should you be doing instead during the times that you would be working on those other cases? The answer is obvious... you should be using the time to market the hell out of the area(s) that you truly enjoy and are good at.

Cranky old lawyer getting off soapbox now.

Kenneth Forman North Miami Beach, FL

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Generally speaking, I am willing to do whatever people are willing to pay me for.

Which is why I don't do family law; it has been my experience that, while people are willing to let me do the cases, they aren't willing to pay me (enough money, on a timely basis) to do what they want done.

Likewise, criminal cases; a lot of defendants would like a private attorney, but they aren't willing to, or don't have the money to, pay me.

If it's potentially profitable, I'll at least consider it.

Ronald A. Jones

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I'm not (a GP). Having been open now for about a week (i.e. I'm drawing on great depths of experience here) I am staying relatively focused on estate planning. But if you want to say that encompasses family business planning, tax work, and estate planning and estate administration then I have the "3" areas that someone else mentioned.

That said, the first thing I did for anyone was an agricultural lien. But I can say with almost perfect certainty that you won't see me taking on any criminal work anytime soon.

Actually the reason I went solo was so I could practice what I wanted. My resume leans in the litigation direction with previous firm work, judicial externship, etc. and that is probably why all the offers after law school involved defense work.

Maybe ask me again in a year...

Laura Blankenship, Canton, South Dakota

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It would be nice to specialize; but I've never had enough of one area so that I can do that. I eventually did give up Domestic Relations except in cases where I get a very large retainer; since those are the cases I got burned on for attorney fees too often. Family law and Criminal law are both very easy areas to practice in; as a substantive matter; since the law is very well settled; and the disputes are mainly factual. I don't care for

practicing domestic law; since the magistrates in our county never want to hear any cases; and you can sit there all afternoon. They set all hearings for 8:30 or 1:30; and take the settled cases first; and all too often they tell you "We don't have time to hear your case. Get another date"; after you've sat there for two or three hours. I don't like wasting my time like that even when I'm being paid for it; and too often I didn't get paid for it. A few years ago I got involved in a post-divorce motion which didn't seem too complicated; but my client's divorce attorney had done a terrible job; and we ended up with two or three hearings before a magistrate and then a trial before the judge which took two separate days; and eventually I ended up with more than \$12,000 in unpaid fees and an uncollectible client; so I require large retainers or I don't take such cases. I only have four domestic cases pending presently. Family law is so easy that you can obtain a comfort level after you've handled ten cases or so; and it's such an "equitable" process that unless you don't know the rules of evidence, and don't do discovery, it's pretty difficult to make mistakes. I just find that the unpleasantness of the parties too often translates to opposing counsel; consciously or unconsciously; and I just don't care for the entire way our courts deal with it. When a magistrate is actually forced to try a case; it can sometimes take months for him/her to issue a decision. I do enjoy litigation; since it's stimulating; and usually prefer defending cases than being the plaintiff.

I represent a guy who owns several night clubs; and when a fight breaks out; the person inevitably sues the night club; and inevitably is lying and so are his witnesses; and it's enjoyable to burst their bubble in depositions. I've never lost one of those cases; though we've often paid \$1000 or so to avoid a trial; and once we paid \$16,000 to settle a wrongful death liquor liability case; which was perhaps 1% of the value of the case had it been a case of liability. I enjoy defending those cases. I don't take the sore neck personal injury cases anymore. Juries don't award hardly anything on them; and they are not worth my time to litigate; unless the facts are unusual.

Bob Woodley

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There are many solos with specialties that take cases or clients outside that specialization or area of emphasis. There are others who are able to market a specialization, leading a long and productive life.

For me, balance is achieved by an approximate 50/50 split, year to year, between rather diversified civil litigation and a transactional or office practice. Personally, I thrive on dramatic differences in the type and nature of work required. Many say that one cannot keep up in too many areas, but I find that CLE, research and effort make the coverage feasible.

I enjoy dealing with a multi-million dollar litigation or transaction (on any side) and then helping some poor widow on social security redo her will. I also enjoy doing a sophisticated estate plan with a client worth ten or fifteen million and then going to justice of the peace court on an eviction. I may deal with a state court appeal or an adversary proceeding in bankruptcy. So long as I stay out of the criminal, immigration and patent

areas, it is all good.

Diversification has its benefits. Prior to largely closing my practice to new clients several years ago, I noticed call patterns. Some weeks, the inquiries were all about divorces and others it was all about wills or entity formation. If all I did was one of the areas, those intervening weeks would be without new clients.

Another benefit, besides evening out cash flow, is my personal aptitude and attitude. I am not geared to narrowly focus on one area of law -- any one area. I would get frustrated and bored if I did that. My prior background is too diversified.

My approach is a benefit to clients as well. Trying a wide variety of cases in all specializations of civil law, both state and federal, provides a wealth of experience in which to properly evaluate a contract negotiation or dispute where no litigation is filed. It also facilitates contract drafting when you litigate the result frequently, keeping one focused on the relative importance of clauses in a practical sense.

Conversely, dealing with a wide variety of businesses and individuals in all of the things they face for many years provide great insight into properly presenting cases for resolution to a fact finder or in obtaining an agreed alternative. The more perspective one can offer to a client, and the ability to see and clearly present options based on experience and learning, is a valuable commodity.

Perhaps an anecdote will illustrate the potential client benefit. I have on occasion dealt with large transactions where a "big law firm" assigned up to 20 of their "specialists." Negotiations were difficult because each specialist wanted only to look at the respective area of specialty. The "big law firm's" client was done a grave disservice, used to my client's direct benefit, because of the law firm's inability to coordinate and maintain a strategic view of the matter. Once all of the specialists and their respective area of emphasis was plotted, there were gaps between them. No one on the other side was tracking the gaps, each stating that that issue was "not their job." Once patterned out, significant advantage was given. Driving trucks through the gaps was not even noticed, much less a concern. "Big law firm's" client paid much more for representation, but got shortchanged.

The practical skills from diversified areas provide perspective to my clientele. It also fits well with my own background and experience. On balance and recognizing the choice does not suit everyone, it does suit me.

Darrell G. Stewart, San Antonio, Texas

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The business model that has worked best for me is having one "base load" practice area, in my case, energy regulatory work. Once I know that I can cover my bills and generate revenue, I have the flexibility to seek out other practice areas that interest me. When I started my firm, I did energy (including energy related appellate work) as a mainstay with employment and criminal defense as side areas. Later on, I phased out criminal but

always carried a couple of litigation matters, along with the energy work.

The one problem is that while this model works well money wise, it's sometimes hard on the ego. While I'm good at all my fields and a quick study, I've never had the time to focus enough to be top-of-the-field-expert great. Sometimes that bugs me.

Carolyn Elefant

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