

Popular Threads on Solosez

Solo Right Out of Law School

I recently divorced the daughter of the managing partner at my current firm. I'm a third year at a 4th tier law school in a small state. I have a GPA that places me just over a C. I will be done in May, and anticipate the bar in July.

My previous plans were to stay at my current firm, which is located in a growing suburb of a larger city. It's a big firm for such a small town - there are four attorneys who work at the firm to varying degrees. Two are mostly retired, and one primarily does research. Only the managing partner really spends his time seeing clients and appearing in court. We're a very general practice, and I've clerked here to the limits of the ABA's rule on work while in law school since I was a first year. I supervise other law clerks and help with the operation of our busy real estate practice.

After I determined that a divorce was going to be necessary, I spoke with my then father-in-law regarding the situation. We both agreed that a divorce was the only acceptable option. His daughter went away for several months, speaking neither to him nor myself. The relationship between us was still quite good, and remains so. My continued presence here, though, is what is keeping his daughter from reconciling with him. I would prefer to know that they can start re-establishing their relationship than to know that I can stick here in the job that I enjoy after the Bar. He's asked that I train a replacement before I leave, however. I'll be interviewing first year students for one or two new clerks after the Spring Break holiday.

I launched on a job search of my own. I utilized several different services to locate firms with openings in IP Litigation, my desired practice area. I found approximately 175 different firms. I mailed each of them a resume and the rest of the information necessary to apply. I've received about 112 rejections thus far, and only two that were interested. Once they got my transcript and saw that I did poorly during my first year (though I have recovered somewhat), they then rejected me. I'm fairly certain that the low ranking of my school, my late search for a job, and my poor GPA will prevent me from finding an IP position within any firm that I will find simply by searching job postings, websites, and PACER (which I have found to be one of the best methods for determining if a firm or attorney produces quality work product).

I've also interviewed or at least expressed interest in more general positions with almost every suitable firm in my immediate area. Some are interested in the idea of adding IP work, but none are interested in hiring additional 3L's until after the bar. Three or four of these local firms, however, have mentioned that they have some occasional IP work and asked that I let them know wherever I end up, since they may have some business to refer to me.

There is always the possibility that the job search will be easier once I've

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passed the bar and can immediately become a productive member of someone's payroll. There is, of course, the possibility that the search will not improve.

Being an entrepreneurial person, however, I am strongly considering the possibility of opening my own firm. My primary concern at this point is funding. My existing business, which is a project that requires only occasional work on my part (I subcontract most of it), will be able to spin off about \$12,000 before I finish law school. Other than my mortgage and bills, which total around \$1000/mo, I have relatively few recurring expenses. Office space in the area can be found affordably, though we don't have any "legal suites" of the kind that are occasionally mentioned, of which I am aware.

While clerking, I have gained a solid understanding of how to at least not completely screw up the operation of a law firm, and have developed relatively good contacts within the local legal community. If I were to focus on both transactional and litigation IP work, I would be bringing a new service into the local community - most of the firms that do such work here do it through their Atlanta, New York, DC, or other big city office.

I'm fairly confident that I can make a decent run at my own firm. I've got a solid back-up plan with my consulting business. I am concerned about the cash needed to support the firm (and myself) through the initial business-building period. (Any input on this area would be greatly appreciated.)

Several of my classmates, however, have found equal difficulty in the job market. In particular, there are two of my classmates of whom I have a high degree of respect that have come to me and mentioned that they are considering forming a firm together. They have asked if I would be interested in being a part of their venture. The group will also include another former student who graduated in December and just finished the bar, as well as a fifth student who graduated last year and has been working with a local legal services firm doing family law. Everyone has different areas of focus; domestic relations, corporate & business law, criminal defense, real estate, and IP.

I have seen some advice recommending that one launching solo practice not get tied together with other newly-minted attorneys. The advice seems sound, and I can certainly see a number of pitfalls. I can also see, however, some nice benefits from practicing with this group as opposed to by myself.

I'm still contemplating this avenue, but I wanted to get the input of my fellow Sezzers. If you have direct experience, have observed a similar situation, or simply want to chime in with your own experience with your solo or small firm, your advice would be greatly appreciated.

"I can also see, however, some nice benefits from practicing with this group as opposed to by myself."

You're right. But that doesn't mean you have to be business partners with them. Share an office suite (and overhead) with them, refer cases between

each other, co-counsel when desirable, and have a good time together as colleagues, but maintain legally distinct business entities under which you will each practice (and avoid giving the appearance to clients that you are a firm, which could, de facto, make you a firm, for purposes of malpractice liability). In other words, your business card will have just your name on it; the door will list each of your names/firms separately; you will each maintain physically distinct offices, billing systems, etc.

The advice to not partner when first starting out is sound: every partner is a liability, if not legally, then at least economically. If you're concerned about how you, yourself, will stay afloat, then just imagine how much more difficult it will be with additional lawyers clinging to your back, dragging you down. How sure are you that every one of your friends can pull their own weight? Be honest--you're not even sure that you can pull your own.

Thus, it is wise to keep it simple at first: each of you will succeed or fail, on your own merits, as a solo. Then, a few years down the road, those of you still left solvent can decide to formalize your relationship by entering into a partnership (LLP, P.C., or the equivalent would be the wisest entity). At that point, and only at that point, can the partnership be a strong one, because you will each have confidence in your own, and each other's, abilities.

Good luck and have fun!

David J. Galalis

I don't know, but that sounds like REALLY good advice to me.

Jim Mills

If you have your heart set on partnering up, try and partner with someone out of law school at least three years. Otherwise it would be like the blind leading the blind. Jeremy Chesser

Contact me when you are done with law school and I'll see if I can find a place for you within my firm. You'd have to be willing to move.

Anthony Wright

I am in my final year of law school and plan to be a solo/small firm. Go to Download.com and download a free business plan maker. There's a very good one there. Pound out your business plan and don't worry about getting a job. Our society is way too "job" oriented, when many of us can just create our own job. That is the beauty of a law license.

Also, get Foonberg's book on How to Start a Law Practice. You can normally find it used on e-bay (Sorry Mr. Foonberg, but I have recommend cost savings here).

With today's automation, all you need is a computer and DSL/Cable. You can have everything routed through your PC.

Zale Dowlen (Too many years in insurance.. final year in law school..)

I, too, have started my own practice. I, too, received MANY rejections largely because of my 4th tier law school and 34% ranking. However, I did pass the OH bar exam on the first try. I agree - starting a law office with another newbie is difficult. I am operating out of my home, traveling to potential clients, and am networking like mad. Best wishes!

Ann McDonough

I like Zale's attitude, and am a big believer in Foonberg and Poll's books. I would also recommend Tom Peters' book "The Brand You" to get you moving the right way in the business side of law.

Ted A. Waggoner

Since you still have a good relationship with your father in law/managing partner, I would think he would be a great referral source for you. Personally, I would go solo and move out of the building, because even sharing office space might be too much for his daughter. However, that should not keep him and his partners from having lunch with you at times and referring cases to you. They probably don't want every case that comes their way, and they might be conflicted on some. Also, he is probably in a great position in the community to talk you up. And he doesn't have to tell his daughter, "hey, guess what, I'm having lunch with your ex and referring cases to him."

I wish I had gone solo right out of law school instead of waiting 8 years to do it. Financially it would have been much less of a burden.

David Tarvin

Ed Poll (a contributor here) has written several books, the most all encompassing I have is "The Business of Law" which does the soup to nuts of law practice. He has also done books on billing and on finding profitability in the law practice. He also coaches and has an E-zine and occasional blog entry. see www.lawbiz.com

Ted A. Waggoner

Speaking from someone who came from a 4th tier school in California, it was difficult for me to find a job in Colorado, but I eventually did. I looked at mostly small to medium firms. Things picked up after I was sworn in (October 05), and really kicked in after January 06. I started a contract position that lasted 10 weeks. They asked me to stay on the same day I got an offer from the firm I'm with now, and I even turned down a few offers. Don't be discouraged if you don't have a job the day you

graduate. In my experience, it is only the large firms who make hiring decisions that earlier, or those who are staying on with firms they clerked at.

Amy Ondos

I have a different question than others: do you know for sure what you really want to do? I know you said you want to do IP litigation, but often that's a buzzword people use, because they know that IP is a hot field right now, if they don't have the credentials to pass the patent bar.

So what's your thinking? What kind of IP transactions did you have in mind? Copyright and trademark registrations? Those probably won't be enough to make up for a good practice. Copyright and trademark litigation is a fairly rare thing, especially in the more rural areas. Patent litigation? I would very strongly advise anyone AGAINST doing it without several years of experience in the patent world at a strong litigation field. Licensing negotiations? That would depend on your area -- is there enough licensing work there?

If I'm wrong and you do have a technical background, and if it happens to be in computers, drop me a note, I may just have a job for you .

Leah Tevunah

My \$.02 cents on this - it's harder than it looks, you need more money than you think you need. You need to market, market, market and you need to move your files.

If you can do it and you have the stomach to survive the lean years, do it the solo way.

Charles Hymowitz

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