

Handling Vacations as a Solo Practitioner

I'm planning on taking the longest vacation of my career - a whole 2 weeks!

I'll be out of the country for that time and I would like to not have to worry about work and just enjoy a vacation.

I have contacted the clients that have things pending and they know about my time off.

Obviously, I'm going to give my answer service a heads-up as well but not quite sure how to deal with others calling - clients with non-urgent issues, other lawyers calling etc. I was thinking about having the receptionists tell the caller I'm out of the country but I will call them upon my return. That seems like the most reasonable and logical thing to do.

Any other creative suggestions?

I have no idea what to do with an answering service. When I go out of town, I change my voice mail to say I am out of town. I then give them the option of emailing me or texting me. I explain that no calls will be returned until I get back.

That being said, I also have two friends who will return calls for me, if need be. They will also deal with other issues that may pop up. I just call them or text them if there is an issue.

Jonathan Stein, California

What's a vacation . . . ??

Walter D. James III, Texas

I just returned from nearly a week away and did the following:

- told clients with active matters about the trip and met all deadlines up through a few days after the trip done in advance
- filed notices of unavailability in cases that are active (this is a NM thing, not sure if it applies elsewhere)
- prepped an out of office email automatic response
- set my calendar to busy so no one could book with me through Acuity online

With all of that, I still checked email (which also contains voicemail) once a day first thing in the morning and had a lovely time.

Enjoy your trip!

Deena Buchanan, New Mexico

In addition to Deena's and Jonathan's suggestions, one further thought: be very careful about telling OC that you are on vacation (never mind out of the country). I know someone who had a problem once because he told OC he was going out of town (and this was just a long weekend) and OC took the opportunity to file an emergency motion. My friend compounded his problem by cheaping out and not paying someone to cover the motion. He tried to call in, but basically it was a mess... and a long time before he got out of the judge's dog house.

Amy Breyer, California

My situation makes turning off the phone a little tough because I get new clients almost every day, so if I don't answer I lose business. Last vacation I took I had my answering service tell all callers that I was unavailable all day but that I would return all calls after 8 PM, by which time I was back in my hotel room. I made all my calls at night and managed to pick up several new clients that week, which more than paid for the whole trip so the extra aggravation at night was worth it.

Glenn Kurtzrock

Find out if there are state or local rules that require you to notify the court, if you have anything pending in court.

North Carolina has Secured Leave: With 90 days' notice, and proper service on all parties or opposing counsel and the clerks of court in the counties where you have actions pending, you are excused from any court dates that may arise while you're out, the court will not peremptorily calendar anything in your matters during the secured leave period, and opposing parties are on notice not to schedule anything during that period. (Courtesy generally dictates that they don't calendar anything for the day you first return, as well, but that's not always observed.) We are allowed to schedule up to three weeks of Secured Leave per calendar year.

My experience, having no staff, is that taking off more than one week uninterrupted is infeasible.

Other than that, make sure your service knows. Update your voice mail to set realistic expectations for response, if any will be forthcoming. The ideal situation would generally be to have a live person of some suitable discretion to whom your service could route a message if someone needs to be talked off a ledge until you get back, etc. Set an autoresponder on your e-mail, to respond to people in your contacts, if not everyone. If you configure send/receive groups and you're using sorting mailboxes, don't retrieve mailing lists and the like while you're out, so you're not overwhelmed by it on your return, and you can deal with clients' issues before turning the tap back on.

Make sure the clients know as far in advance as possible, and remind them again a week before you leave; they will have forgotten.

Richard J. Rutledge, Jr., North Carolina

I had a similar situation to Amy's friend. I filed a Notice of Unavailability in a case in Sacramento. It was a long, drawn out, debt collection case. Plaintiff's counsel took the opportunity to file an ex parte motion. They served me by email. I drove to a Starbucks and faxed an unsigned letter to the clerk, who I had known for a few years. The judge, on his own, continued the motion until I returned. He subsequently denied the motion and issued \$1,030 in non-discovery sanctions against Plaintiff's counsel. The trick was that \$1,000 was the reporting limit to the State Bar and by making it just over \$1,000, it triggered Plaintiff's counsel to notify the Bar. Nothing came of it in terms of discipline, but he was making a point to them.

I always file a Notice of Unavailability since then!

Jonathan Stein

I would tell the receptionist to tell them that you are unavailable but that she will be emailing you daily your messages and that you will return calls as practical unless it's an emergency in which case you will return as soon as you can. Don't say you are out of the country... that's letting nefarious folks know your house is open as well as gives other unscrupulous counsel opportunity out to take advantage by making motions etc... yes, I have had that happen for them to try to get a leg up. I also would do an auto email reply saying same.

This email may have been dictated. Please excuse any errors caused by such method of composition.

Choose Happiness,

Micah G. Guilfoil Payne, Kentucky

I concur with Micah. Don't advertise that your home is vulnerable. Also, don't have an auto-response for Solosez emails!

A well-instructed phone answerer, perhaps Ruby (?), might be what you need for this vacation.

Whatever you do, enjoy!

Marilou Auer, not a lawyer, Virginia

I'm a true Solo, I have no answering service and don't usually ask anyone to cover for me unless I have a real estate closing coming up. I also notify existing clients with pending matters of my upcoming plans.

I never set an out of office reply because that would just cause endless loop emails. In the last several years I have gone out of country without publicizing that fact to other than existing clients, but have monitored emails and replied only to those that sounded like serious potential new business or from existing clients that required replies within a short period of time. In both of those instances, I responded saying that I was away from the office and the date I would return and that I could do nothing until my return but would contact them immediately thereafter. If their matter required more immediate response, I would try to refer them to someone who could give immediate assistance. They were usually able to wait. My practice areas are such that there are no true emergencies.

Miriam Jacobson, Pennsylvania

Best option would be to have a backup lawyer available to handle the unexpected for you and your clients. If you don't have one yet, you may want to find another lawyer to work with in case you have a medical emergency in the future.

In my jurisdiction, you can file a notice of unavailability on each case which should toll scheduling of any motion hearings. You could respond to emails and phone messages each night on your vacation, but that certainly takes some of the fun out of a vacation. It's a difficult problem with no easy answer.

Duke Drouillard, Nebraska

Congratulations!

Yes, you can go away and forget about work for 2 weeks, but you need to take some steps.

1 - Set Solosez to NoMail while you are away. You can switch it back on after. Otherwise if you have an automated away message, SoloSez may drop you from the listserv (This happens to me every time I forget. Thankfully COTE lets me back on.)

2 - Hire appearance counsel to watch your office in case of an emergency or bribe a colleague to watch it for you. That doesn't mean they are actually sitting there, but your receptionist service should have someone to reach if there is an urgent matter. When I went on maternity leave for 2 months, I hired an amazing appearance counsel who handled the 2 appearances I had during that period and called me if there was anything big that came up.

Nothing big, no call. Now when my friend or I go on vacation, we usually cover one another's offices for emergencies only.

3 - If your court has a notice of unavailability, file it. Yes, some attorneys are jerks and will file stuff just to harass you around your vacation, but the new CA ethics rules place a stronger emphasis on playing nice with opposing parties and counsel, and many judges don't put up with the "file stuff while Scott is away" type of practice. You can also put your appearance counsel or helpful attorney friend in the notice and ask that any papers that are served while you are gone be served on them too.

4 - Realize that you will miss out on clients, and be okay with that. My former boss told me he was excited to hire me, because it meant he could finally make money while on vacation.

5 - I sometimes put up an autorespond that I will respond to urgent matters only, so my clients know to email me back and put URGENT in the subject line if there is an emergency. That way I can look, check for urgent matters, and then put it away.

Corrine Bielejeski, California

Good advice on this thread. I am thinking about taking a cruise in January.

What advice would you give for being on a cruise where Wi-Fi and cell reception might be spotty?

Jason Komninos, New Jersey

I recently returned from a Carnival cruise. Pay for the fastest internet available on the ship and use internet calling technologies (e.g., Google voice or wifi calling--I know advanced Samsungs and iPhones have Wi-Fi calling.), and you should be generally fine even if you lose reception a little. If you have the kind of practice where you can't lose access to a phone for a minute or a few hours, then I wouldn't suggest going on a cruise or find a realistic backup. I would also suggest a VPN that works even when standard VPN ports are blocked--I used VyprVPN.

Regards,

Jarrett Silver

Good advice, Jarrett. Since opening my practice, I have never been on a trip where I did not have cell service. One reason the cruise appeals to me is that it occurs during a time which is traditionally dead for me. But in my practice area, if I don't answer or return the prospective client's call right away, they go call 10 other attorneys.

Jason Komninos

Depending on the cruise area and ship, you probably aren't going to have the best cellphone service or even WIFI, typically ship Wi-Fi is 'satellite' link which is slow. And it can be expensive. Depending on the areas you are visiting you might be better off getting cell phone service in those geographic areas and then use it when you're in port. Obviously, it depends; if it's 'domestic' cruise you're fine; I've had fine cell phone service in Key West, Puerto Rico and US Virgin Islands. But Bahamas, Mexico and Guatemala, no. And I've never bought cellphone service in European cruises and I don't intend to on my Asian cruise this fall. I just resign myself to not having cell service.

I'll let everyone possible know that I'm going on vacay, I'll put a message on my answering machine, I'll put out of office reply on my 'main' email address (not this one, this is strictly Solosez) and hang a sign on the door.

I'm not going to get new clients during that period but that's OK.

Ronald Jones, Florida

I agree that you have to accept that you most likely will not get new business while on vacation. Here, we file vacation letters. I start MONTHS out doing this to prevent trials from being set during vacation. I do not do auto-respond on emails. I check emails. I do not check voicemail or return calls. I put a message on my voicemail about being gone and I have an office person check my voicemail while I am gone; if any emergency, I have a lawyer friend as stand by to handle. I tell people well in advance

that I will be gone. If you plan ahead like

this, should be no big problems. I just took a

12 day vacation this spring, no problems (Belgium, The Netherlands, Luxembourg). I actually proved this could be done, to myself, back in 99, back before cell phones, etc.

Everything was fine. I could probably get away with not checking emails but that is the most I will do. It IS vacation, after all.

I have decided I am going to take one real nice trip a year for the foreseeable future. Thinking about going back to England, next. Was last there in 99. Not going in spring; as just learned first-hand, still too cold in Europe. Probably June.

Sharon K. Campbell, Texas

I've been on a couple cruises in the last couple of years. Resign yourself to being out of touch and let your clients know that will be the case. If your cruise ship is stopping in any ports, you can probably check your email in Port because you will have Internet service there if you make proper arrangements or have cell service depending on your provider that covers the ports you will be in. Questionable whether it's worth it. It's a good way to take a real vacation, totally unplugged.

Miriam Jacobson

One of the best pieces of advice I received from a mentor when I was a freshly admitted attorney was to plan your vacations around times that tend to be slow for business.

Unfortunately, a recent girlfriend broke up with me and one of the reasons she cited was my reluctance to go on vacations.

Strangely enough, she was a paralegal for a solo attorney and she should know that it isn't always easy to be away from the office.

In my experience, good times of the year for me to take off and minimize losing business are mid-to-late August and early-to-mid January. Hence the possibility of going on this cruise.

I really love being my own boss but it's a lifestyle that is difficult for other people to understand. Unfortunately, this could take a toll in one's personal life.

A friend of mine had difficulty with this with his wife, who works for a school. So she has every July and August off like clockwork and is used to spending the entire month of July every year in South Carolina with her family. Obviously, as an attorney who appears in court a lot, this wasn't plausible for my friend. So they worked out a compromise that he would drive down to meet them for a week or two once his schedule frees up. They are still married and have a baby on the way!

I understand that vacations are important to many people. I enjoy them as well but 9 out of 10 times I would rather bring in the new client or make sure I make it to that court appearance and have a happy client. I don't like the idea of sending a per diem if it can be avoided. I figure it's my business, my brand, and my responsibility. A happy client will refer more clients to me. A happy judge will be glad to see me next time I appear in his or her court.

I don't really relate to people who grind at a job they hate everyday but they get that one vacation a year so they keep hating on their lives the other 50 weeks out of the year.

Maybe I'm weird.

In any event, I figure if I can plan this cruise far enough in advance, get any adjournments I might need, and maybe book the flight or hotel with credit card points, it might actually happen.

Jason Komninos

Look, I am not a huge vacation taker either. I spent years not taking one.

We are now going to Disney World for the 3rd time in 5 years coming up. The kids like it. More importantly, the wife likes it. The first trip was over Christmas. I will never do that again. The last one and this one are over July 4. It is a Wednesday. I can leave on Saturday, spend a week in Disney World, and at worst, miss 3 1/2 days of work. No one really works July 3 in the afternoon. No one works July 4.

If someone wants to call me July 4 and is looking for an attorney, and they REALLY need to talk to me on July 4, probably not the kind of client I want anyway. At least, in my line of work, I don't get a lot of cases then.

I also know that December is slow. Insurance companies don't want to send out checks. I don't want to get checks. Clients want their money either by December 10 or they get into the holiday spirit and don't want to hear from me. So, the last two weeks of the year we go to our beach house.

Maybe, look at something like that. Go buy a small place in Wildwood or Ocean City or something like that. You can still get away for a few days (hence vacations with the new Significant Other) but you can still work. I take my phone and laptop to our house. I have a printer hidden in the house. I can get some work done, if need be. I can also take some down time and avoid people!

Jonathan Stein

My vacation protocol is:

- * Start telling clients and other people on the project team (for me, that is engineers, land planners, brokers and title companies) that I will be away as early as possible - I usually start about three months out. A month out, I send a reminder by email, then mention it pretty regularly after that.
- * To the extent possible, in the run up to vacation, be sure nothing big is scheduled for vacation time AND the following week.
- * Tell clients that I will not be available by phone but that I check emails once per day in late afternoon, so if they need to reach me, they should email me.
- * I set aside a short time each day to check email and respond. I have remote access to my office computer so I can prepare a document, if absolutely necessary. It generally hasn't been, but it makes my clients feel better.
- * I have my phone set up so I get voicemail messages via email, so I can keep track of what is going on. My practice is more email than phone

intensive, so I don't worry too much about missing something coming in via phone. Anymore, I have gotten away from "out of the office" messages for security reasons - I figure if you are a client or someone I work with regularly, you know I am away, and if you are not, then you don't need to know.

* My assistant checks my mail and scans anything that looks like it might be important. She sends me an email attaching anything scanned. She also knows how to restart my computer if there has been a power outage, etc., so I can maintain the remote access.

Personally, I am more relaxed being able to check email once a day and knowing things are handled, than I was when it was a lot more difficult to keep in touch. One thing I have learned is that while being away for two weeks feels like a lot, in the work world it really isn't all that significant a time period. Enjoy the vacation!

Caroline A. Edwards, Pennsylvania