

## The Practice of Law as a Business

### Rules

1. Some of the most demanding clients are some of the slowest to pay.

Roger M. Rosen, California

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2. Get the money up front. Always.

Marilou Auer, retired legal clerk/secretary, Virginia

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3. Your time and knowledge are valuable. Don't feel guilty charging for them.

Kristin Haugen

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4. Carry the best possible professional liability insurance you can afford - and then practice as though you don't carry any at all. I.e., choose your clients and the matters that you handle wisely. Don't accept any client or any matter that doesn't pass your personal/professional smell test.

Rod Klafehn, New York

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5. You know within the first minute of the phone call whether this is a consult you want to undertake. We get into trouble when we convince ourselves that the behavior that troubled us during the first minute of the call doesn't mean what we already know it means. When they don't want to pay you, when they don't want to identify themselves, when all they want is free legal advice, that's something you can know

within the first minute, and often within the first few seconds. Don't persuade yourself not to see the huge red flags the advice seeker is waving at you from the outset of the call.

L. Max Taylor

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I try to treat every caller with respect. You don't know who they will talk to next. They can either say a positive thing about you or a negative thing. I try to make it a positive. But, I am very quick to say I can't help someone if they are asking something not exactly in my wheelhouse, or if they talk about how terrible their current, or last lawyer is. But I don't ever say I can't help them and then hang up. I always try to refer them to an appropriate lawyer who may be able to help.

That way they feel that I at least, tried to help them. I don't mind if people ask a lot of questions. Some of those are the ones who, once I have satisfied them that I know what I am doing, become my most loyal clients.

David A. Rubin, Missouri

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As a law professor told me, there are only two rules to the practice of law.

1. Get your money up front
2. Make sure it is the client and not you going to jail (if jail is a possibility).

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

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The 80/20 Rule of Business is very true with a law practice.

Bobby Lott, Jr., Alabama

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You got to get the clients in the door and sell them your services (and by clients, I mean people with the ability and willingness to pay).

That may seem obvious but I see a lot of lawyers fall down on the sales aspect. I don't care how great a lawyer you are; you need to get the clients and sell them your services. Some lawyers think it is obvious why the client should hire them and pay them money. Sometimes that is the case but usually you need to sell them.

I've seen a lot of lawyers get into, and a lot of lawyers get out of, private practice. I remember about 20 years ago, I met with a lawyer who had good amount of criminal prosecution experience, Bill. He and another lawyer, Melanie, had just left local prosecutors office and opened up a criminal defense firm; Bill and Melanie. He met with me, I took him to lunch, talked about the private practice of law and emphasized that the big problem was not the practice of law but getting paying clients. That you needed to get them to actually hire you.

It took about a year; but Bill and Melanie split up their firm. Bill went back to prosecutor's office and has been there since; in fact, he was chief deputy prosecutor, and when our local elected prosecutor retired, he anointed bill as his chosen successor, Bill is now out elected prosecutor. Melanie stayed in private practice; she is pretty prominent defense attorney locally. Difference was, Melanie figured out how to get paying clients, Bill didn't.

Where I see a lot of lawyers fall down is the sales aspect; they just are not good at selling, and closing the deal. This is a skill, not everyone can do it; it takes practice.

Ronald Jones, Florida

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Very true, Ronald. The good thing is, learning how to sell is just that....something you can learn.

Just like you can learn how to change the oil in your car, you can learn how to sell. There are basic principles to it that anybody can learn. For a solo it is critical.

Bobby Lott, Jr.

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To follow up on one of the best pieces of advice that I have ever heard, if it is the choice of doing the work and not getting paid, and not doing the work and not getting paid, always choose not doing the work and not getting paid. I think this came from Jay G. Foonberg.

Frank Kautz, Massachusetts

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Yes, but.

Example 1:

A potential client came to see me. She seemed highly neurotic [defn: someone with a lot of negative emotions].

Her explanation of her case facts seemed dubious. I was not optimistic that she would pay a deposit.

Well, she signed a fee agreement, paid a deposit, paid subsequent invoices after the deposit was used up very promptly, has had a couple of other good cases since then, and most of the things she has said, while sometimes exaggerated, have proven to be fairly accurate.

I would not have predicted this.

Example 2:

A potential client presented with a possible case for misrepresentation in the sale of a single-family residence. Upon inspection, at first, it did not seem to be that big a deal, even if true. I had my doubts but I agreed to a contingency fee agreement. Well, the facts got better and better, and in arbitration, we prevailed, were awarded generous attorney's fees, and collected.

So, you never really know.

Roger Rosen

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I agree with this wholeheartedly. When I went out on my own, I was not used to selling myself, and had to painfully learn. I spent a lot of time being uncomfortable at

networking meetings - it is just not my nature to go into a room and talk to a lot of people I don't know. What I did discover was that by regular attendance, I got to know people, and it got easier. I started asking people out to coffee or lunch to develop a better connection. That, in turn, led to referrals and introductions. It wasn't easy, and it wasn't fast, but it was necessary and has actually enriched my life by getting to know more great people.

At about the same time, I took a "Get Clients Now" course with Barbara Nelson, that dovetailed well with my networking efforts. It gave me a focus for my "selling" and also made me feel like I was putting in the effort, even if the results were not immediate (which they weren't). Get Clients Now is a great book that can be used on its own, although working through it with Barbara helped keep me on track and motivated.

Caroline A. Edwards, Pennsylvania

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We've all had those pleasant surprises, Roger, but I'll add my own rule:

I have never once regretted not taking a file. I have often regretted taking a file.

Carl G. Archer, New Jersey