



Carolyn Elefant

Solo by Choice: How to Be the Lawyer You Always Wanted to Be

Useful ideas for those starting a practice and for those already building one.

BY DONNA BADER

I can remember the year I was admitted to the Bar – oh, so long ago – and we attended our first *Bridging the Gap* session. We were told what we might expect in our first years as new attorneys. Some of us decided to go into solo practice and we listened with interest to Jay Foonberg's advice on *How to Build and Start a Law Practice*. Ah, those were the days of ignorance and energy.

The truth is that we were so ill-prepared to be lawyers but we blundered ahead despite our ignorance. Some of us prospered. Some gave up, finding employment with law firms, government agencies or big companies.

Fast forward to 2009. Desperate times call for desperate measures. While author Carolyn Elefant notes in her book, *Solo by Choice: How to Be the Lawyer You Always Wanted to Be* (2008, Decision Books) "sole practice remains one of the best-kept secrets of the legal profession," word has gotten out. With rising unemployment and layoffs, many attorneys are going solo and not always by choice. No matter, this book will prove helpful whether you have chosen to become a solo practitioner or you've been forced into it by circumstances (and you just happen to feel compelled to pay your bills).

Elefant started her Washington D.C.-based solo practice in 1993 and focuses on energy, emerging renewable, appel-

late, and federal litigation. She is the author of two nationally recognized blogs, www.legalblogwatch.com, which is offered by Law.Com and <http://www.MyShingle.com>, which has focused on solo and small firm practice since 2002. (If you are really tech savvy, you can even follow Elefant on Twitter at @carolynelephant or @OREC.)

Is solo practice for you?

Not everyone is suited to be a solo practitioner. In Chapter 1, Elefant explores "Six reasons to go Solo," and in Chapter 2, "The Big Decision." See if you find yourself in these chapters. For instance, you might like the idea of controlling your own schedule, but the reality is that you could end up working longer hours than you would as an employee. And employed attorneys have frequently told me how they hate the idea of administrative work involved in running a practice. And, no, you can't avoid those tasks.

If a solo practice is for you, chances are you will have much in common with the others described in these pages who have made the decision to go solo. If Elefant doesn't describe you, then perhaps you'll find a compatriot in the ending section of the chapters, "In their Own Words," which includes quotes from other attorneys. (Full interviews are provided in the Appendixes.) If you can't relate to either the reasons or motives for going solo, then you might seriously question whether solo practice is the right career

path for you. Elefant even devotes Chapter 3 to "Soloing Out of Law School." Solid advice and I heartily agree that it's a tough *first* step, but it gets easier with every year you can accumulate experience, contacts and clients. In my experience, the opportunity to discuss cases and work with experienced practitioners has always proved invaluable.

Although one might be tempted to consider this book as being just for those entering solo practice, older practitioners can also benefit from Elefant's advice. This book provides solid information not only to young attorneys starting a solo practice, but also to us salty old dogs. Use it as a checklist to make sure you are paying attention to law office management.

What I especially like about this book:

- **Emphasis on client satisfaction and services.** Chapter 8 offers advice in dealing with clients and developing a client-centered practice. The section on "Bedside Manner" is important because this subject is not generally addressed at traditional law schools. (I remember the first time a client sobbed in my office; I could only hand her a Kleenex.) With our current economy, competition is fierce and client satisfaction is very important, and unfortunately, often ignored. This is especially critical given the fact that lawyers can now be rated on the Internet as one would rate a hotel or restaurant.
- **Selecting clients.** You can avoid problems down the road if you are careful in



AUGUST 2009

selecting clients. Can you identify “problem clients?” (When I was starting out, if someone wrote out a check, I was likely to accept their case. Bad move on my part.)

• **Billing and fees.** With our current economy, much has been written about the death of the “billable hour.” More clients are shifting from big firms to specialized boutique firms that can save attorneys’ fees and offer more personalized services to meet the client’s needs and goals.

• **Marketing.** Attorneys need to stay on top of new marketing strategies. How many of us have a blog or participate in a legal network? Even a book like this could be outdated in a year based on emerging trends in marketing. (Elefant

offers updates – smart idea! – on her blog, www.MyShingle.com.) In short, it’s a whole new world out there, and it might be better to spend time working on your Facebook pages rather than buying an ad in the Yellow Pages.

Solo by Choice really tries to cover all of the subjects that might come up in preparing to open a solo practice. But it doesn’t do everything for you. It may give you ideas on software, but you still need to do your homework and find software that works for you.

Elefant gives attorneys many resources to get you started. She insists that you should be clear and specific about the scope of your work, the fees, billing and office policies. (If you are billing for telephone calls with clients, let

them know in the beginning so as to avoid complaints later on.) She also helps you with Creating a Sample Forms Library, which includes engagement letters, fee agreements, disengagement letters, and client intake forms. You are only limited by your own imagination and your ability to spend hours on the Internet.



Bader

Donna Bader is a Certified Appellate Specialist and is the author of California Motions to Terminate Civil Cases Before Trial, published by Thomson/West. Ms. Bader is also the former

editor-in-chief of both Plaintiff and Advocate magazines. www.donnabader.com; e-mail dbader1@cox.net.