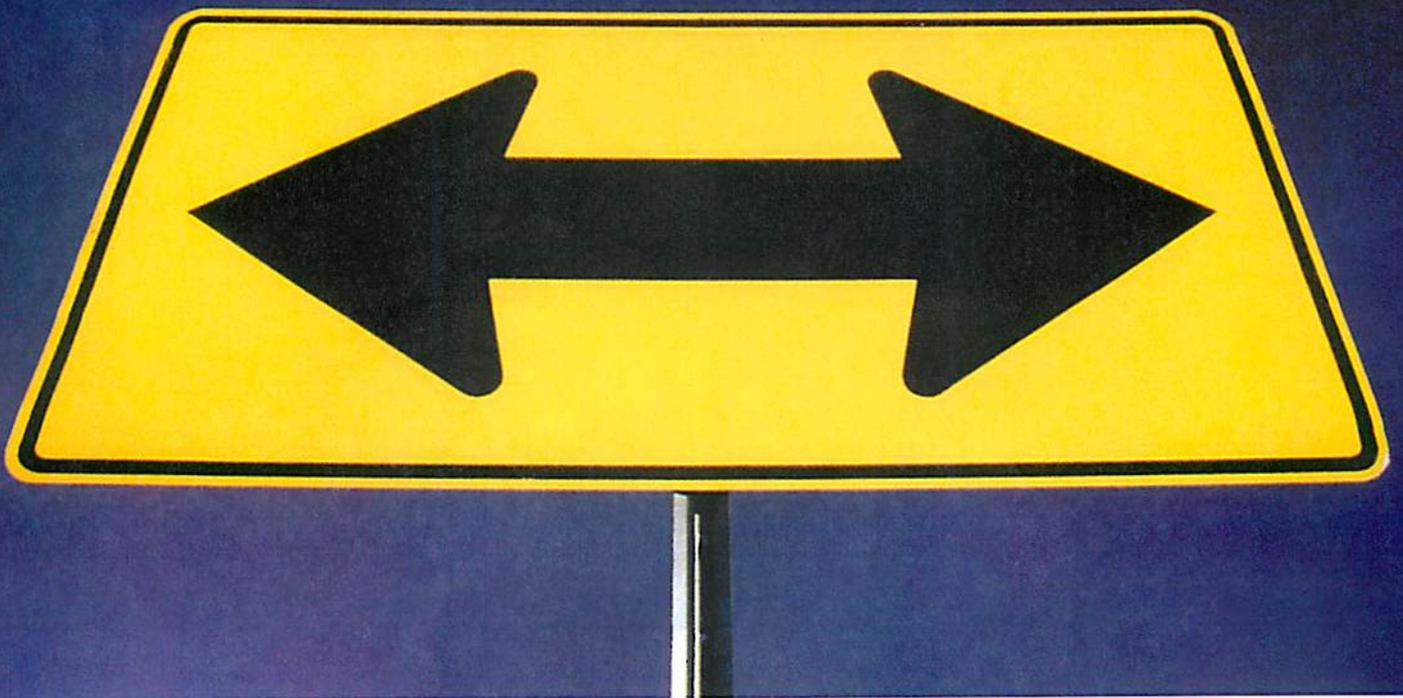


Ten Tips for  
Establishing a  
Solo or Small  
Firm Practice



Ten years ago, after the sudden death of a wonderful law partner and mentor, I had to decide whether I should continue practicing where I was, join a different firm or start my own firm. I was initially reluctant to strike out on my own, but I have found that running my own practice suits me perfectly. I love the ability I have as an owner to control the quality and character of my practice and my clients' experience. I can make decisions quickly, without red tape or irrelevant constraints, and be more cost effective for my clients. I am able to hire lawyers who have similar practice styles to assist me and I can refer cases to other experienced lawyers when I need to. I believe I am a more effective lawyer than I would be if I were practicing in a larger firm.

I would like to offer what I found are the ten most useful tips for someone starting their own solo or small firm practice.

### 1. Establish your foundation – your mission and core values.

You will find it extremely helpful before you start a practice to think deeply about your mission, which I define as what you wish to accomplish with your practice. In addition, you should identify your core values, the principles and qualities you want to express, and that you want your employees to express in their work. Draft a clear, concise and forceful statement of your firm's mission and core values. Share it with your employees so they are guided and inspired. Refer to your mission and values repeatedly. Doing so will help you maintain focus, make tough decisions in a way that keeps your firm on course, and give you patience to tackle the challenges that will inevitably come with running your own law practice.

### 2. Make and keep goals.

You will have both long term and short term ambitions for your business and

practice. Put them in writing. Take the time to break each goal down into concrete, achievable tasks and schedule realistic deadlines for their completion. Then, regularly review your progress and update your goals. By doing this consistently, I have been able to accomplish much that truly matters to me, maintain my focus and forward momentum, and stay encouraged. In recent years, I have taken this goal-setting discipline a step farther and joined an "Accountability Group" — a group of business people who meet monthly to discuss our goals and our progress toward them. Knowing that I have to report my progress to others has forced me to make and keep realistic monthly commitments for progress.

### 3. Pick the right work and the right clients.

When you are practicing in a small firm, you may often feel financial pressure to take every case and client that comes your way. Fight the temptation. Taking on the wrong case or client can cost you your practice, your reputation, large sums of money, or at the very least, many nights of sleep.

Always run conflict checks before taking a case. Evaluate in each case whether your representation would in any way violate the Texas Disciplinary Rules of Professional Conduct. As a general rule, if you have to think about whether to take a case or a client, you probably should not do it.

Take cases only in those areas in which you feel comfortable or are able to consult with more experienced practitioners, even if you have to pay for their time. You owe it to your client. Moreover, the expertise you will gain will be well worth the price in the long run. If you do take a case and then find that you are procrastinating or neglecting it because you are not comfortable with it, don't hesitate to refer it to a more experienced attorney.

The right clients are as important as the

right kind of cases. Be especially wary of taking on clients who seem unethical, unrealistic or exceptionally difficult. Carefully scrutinize clients that come to you after firing another attorney on the same matter.

Always take the long view when thinking about your practice, clients and cases. You will consistently make better choices in taking on work if you are not measuring your progress and success solely on revenue growth or the increase in the numbers of your clients and cases. Instead, evaluate whether your firm is a better firm this quarter than last.

### 4. Be prudent but not a perfectionist.

Hidden issues, traps and dangers can lurk in many seemingly simple legal matters and tasks. You need to be careful, thoughtful, particular and professional. You can avoid some of the mistakes attorneys commonly make by adhering to a few simple rules: Do not take shortcuts

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in your legal work. If you are a litigator, be sure you know and follow the discovery and procedural rules. If you need to get educated to do a competent job on a case, then take the time to do so. Accept the fact that you will not be able to bill for all your time when handling a particular subject matter for the first

few times. Realize that you will eventually be well paid for the competence you are developing. Indeed, if you have an active and varied practice, you will find that you are not able to bill all of your time most of the time. Even if you specialize in a few areas, the law is always changing and you will have to spend non-billable time to maintain your competency.

You will keep your clients happy and your bills paid if you are constantly and honestly asking yourself: "What is the best interest of the client?" and "Am I being fair and beyond reproach from my client's standpoint?"

Avoid crossing the line from being par-

ticular to being a perfectionist, however. Perfectionism is never cost-effective. It will drastically limit the number of matters you can handle within the time frame your clients expect. Perfectionists either have to overcharge their clients or not get paid for most of their time. Perfectionism can also lead to procrastination, which can have very unhappy results in a legal practice.

#### **5. Find a sounding board.**

The best part of working in a firm is the ready availability of other attorneys who will listen to your ideas, critique them, play devil's advocate and give you the benefit of their experience and perspective. As a solo or small firm practitioner, you may have to work hard to find other lawyers who are willing to take the time to talk with you about your practice and cases, but it will be well worth your effort. Having access to experienced lawyers when you need them will give you practical knowledge and insights you cannot get anywhere else. Having a good sounding board will contribute greatly to your peace of mind and the enjoyment of your practice. I intentionally sought out office space to share with other attorneys for precisely this reason. I have also been able to develop helpful friendships with attorneys I met in the course of representing a client, including opposing attorneys. If you are willing to get actively involved in them, state and local bar groups, seminars and other legal functions also provide opportunities to cultivate professional friendships.

#### **6. Find user-friendly software.**

Find a user-friendly billing and checking account software. It is essential that you get frequent and accurate feedback on how you are doing. I have seen a surprising number of businesses fail because their accounting systems failed to give them an accurate picture of where they were or where they were going. The right software will enable you to get quick and easy reports for feedback and analysis. There are many good products out there.

Some of the software options are very inexpensive with basic features, but any software you obtain should include at a minimum a cash or check register with accounts receivable report and income statement. Recently, we upgraded to a more sophisticated (and expensive) billing and practice software so that we can be more efficient and take on more work with less administrative cost.

#### **7. Capitalization – find the “right stuff.”**

You will need computer(s), software, printer(s), fax, scanner, telephones, and other office furnishings. Some of the technology and equipment can get very pricey, with lots of options that may or may not serve the manner in which you practice. Do not invest too little or too much – figure out what you need to be able to focus on your practice and spend enough to get that. The right tools will save you all kinds of time, which you can spend on money-making work. The wrong tools will steal tremendous amounts of your time as well as your patience.

#### **8. Personnel – find the right staff.**

Strive to spend your time only on the important tasks that no one else can do, and delegate everything else. It is the only way to provide cost effective services to your clients. Since there are a wide variety of administrative, secretarial, and maintenance tasks which must be taken care of to keep an office humming along, you may need to be flexible and creative in staffing your practice, especially when you are starting out. I have made use of contract associates, flex-time, part time and position sharing employees, student summer help and outside consultants, as well as full time employees. Generally, I have been able to attract better qualified candidates because of my flexibility. Having a mix of full and part time employees also allows my small office to keep moving forward when one employee is out sick or on vacation.

#### **9. Market yourself smartly.**

In my experience, network groups invari-

ably work – people are much more comfortable referring business to people they know and see face to face on a regular basis. Find the right group for your practice area. Invest time in the group: attend consistently, be active and visible. Volunteer to be an officer or coordinate and lead a group function.

In recent years, having a Web site has also become an essential marketing tool. Potential clients and referral sources will look for you on the Web and will wonder about your success if they cannot locate you. Although your Web site does not need to be elaborate, it is your public face and it is well worth the investment of your time and thought. Be aware that the Texas Disciplinary Rules of Professional Conduct apply to and govern the contents of your site. (The State Bar Web site is a great resource for information, references and links regarding attorney advertising.)

#### **10. Develop proficiency in specific areas.**

Over time as you practice, try to focus on a few areas of law that interest you. It is much more fun and satisfying to practice in areas that you know well and in which you perform well. It is true that success breeds success. When you can, focus on branding yourself in one area then expand your areas of expertise. Being versatile in a few practice areas also spreads out the risks of business cycles – if one area cools down you will have other areas to maintain you.

I hope you find these ten simple tips helpful. I will be happy to take your telephone call and elaborate on these tips or give you any other help I can. Many people helped me get my practice on solid footing, and I would be pleased to be able to help you in turn. 

*Jay H. Dushkin practices with the Law Office of Jay H. Dushkin in the areas of banking, business, and commercial law and litigation. Ann Grandich, an associate for the firm, co-wrote and edited this article. Contact information is available at [www.jaydushkin.com](http://www.jaydushkin.com).*