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ABA General Practice, Solo & Small Firm Section

ABA GP | Solo NewLawyer

eNewsletter for the General Practice, Solo & Small Firm Section

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The only reason some people get lost in thought is because it's unfamiliar territory.
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Practice Tip

Use Bigger Fonts Where Appropriate

Increase the font size on your wills, trusts, cover letters, and other form documents that are often read by elderly, or soon to be elderly, clients. They will appreciate this small touch for many years to come.

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Animator at Law

By Joseph Sebelin and Cheryl Tennant Humes

From an early age, Ken Lopez knew he wanted to be a lawyer. He remembers sharing this dream with family and friends as early as elementary school. In 1995, Lopez reached his goal and graduated from Widener University School of Law. He passed the bar and continued working with a thriving law firm that had hired him while he was still in law school.

But Lopez wanted more. Although Lopez found his work at the firm as fulfilling and exciting as he had expected, he wondered how he would distinguish himself from other law school graduates that enter the practice each year. The answer came in the form of a talent he developed as a college student. While an undergraduate student at University of Mary Washington, Lopez purchased a computer and started to experiment with computer design and drafting programs. Though he never had any formal training, he developed a skill in graphics and animation. Soon he was developing flyers for campus organizations.

Ultimately, Lopez utilized this talent during one of his medical malpractice cases. Lopez realized the jury needed to have a visual simulation of the operation and its flaws. With the help of his computer, he created an animated simulation of the surgery. Although the case settled, Lopez viewed the simulation as integral to settlement of his case. He realized that this might set him apart in the profession as well as prove an effective and powerful litigation tool to other attorneys.



Enter Animators at Law, a company that Lopez founded in 1995 to provide computer-generated courtroom animation and visual communication services to attorneys. Animators at Law provides such services in all areas of the law in which trial exhibits are utilized, including intellectual property, complex commercial litigation, antitrust, product liability, environmental, construction, aviation matters and other scientific, document intensive cases. Animators at Law has also been involved in tobacco litigation, pharmaceutical litigation, and environmental litigation. In addition, Animators at Law provides total litigation support services by assisting in trial preparation and strategy for a more interesting and persuasive trial presentation. Since its founding, Animators at Law has grown exponentially, and now provides services on a national scale. According to Lopez, three quarters of the top twenty law firms in the United States use Animators' services, and Animators was involved in one-third of the thirty top cases of the past several years.

Lopez now works exclusively as the CEO of Animators and primarily supervises the operation of his expanding business. Animators currently employs a team of thirty-eight artists, lawyers, salespeople, and graphic artists. Although Lopez acknowledges that he does miss "digging into a case" and the depth of involvement that is required when working on a case from start to finish, he enjoys the different challenges that are presented in leading his own company and does not regret leaving the practice.

With regard to careers outside the practice, Lopez believes that a little determination and ingenuity can yield dramatic results. In particular, lawyers that can find a way to combine the practice of law with other life interests will enjoy their practice. He notes that one of his former professors at Widener has managed to merge law with his interest in scuba diving and is now a noted expert in law pertaining to the finding and recovery of treasure. With his own success, Lopez has developed a profitable business using his artistic talents while making a unique and lasting mark within the profession he loves.

Animators offers on-site services, including equipment setup and technical support as needed throughout the process. For those attorneys who may not need or want fully computerized animation, Animators also offers quality printed exhibits created by their expert artists and graphic designers. To learn more about Animators, Inc., visit their website at www.animators.com or call 1-800-337-7697.

Joseph V. Sebelin, Jr., has been practicing for more than six years with three different firms. He recently returned to his rural home county to practice law in Pennsylvania. He practices in the family law and civil litigation areas of the law. He can be reached at jsebelin@uslawcenter.com.

Cheryl Tennant Humes is a student at Widener University School of Law in Harrisburg, Pennsylvania, and works as a legal intern for Attorney William G. Schwab & Associates in

Carbon County, Pennsylvania. She's hoping to find a creative way to combine the law and her former career as a classical musician.

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How to Manage Your Caseload

By Brie Ann Hopkins

I grew up in a legal household, so I thought I had a handle on the day-to-day life of practicing law. Then I became a lawyer and learned there is a lot of more work coming in than a mortal human being can handle. Today I have it under control (sort of). Here are a few things I figured out that help me to keep it all organized. This helps my sanity, helps me keep reasonable hours at the office, and helps me to provide quality work to my clients.

First, and foremost, have an ethical practice. Do not compromise your ethics as a lawyer or a person. If the case does not smell good, trust your instincts. Do not be influenced by your client or others in the legal profession. For example, I once had a “cold call” client come in and meet with me for a consultation. She claimed she had not been served with a lawsuit. Her story appeared to be solid with some documentation she provided and other family members backing her up. I had a feeling that the case was not that simple—that it did not “smell good.” I checked out the story before I took that case and found out that she and her family were not telling the truth. I am always careful to check things out whether or not it be a client’s story or a court rule or statute rather than depending on the interpretation and reading of another attorney—then, you have no one to blame but yourself.



Second, keep on top of things. Never let your cases get out of control. This is easier said than done, but is very important. I always make a list of things that I need to accomplish in the day and what needs to be done first and what can wait. There are certain days where the sky falls—take it as it comes and reprioritize your list.

Third, don't let your clients dictate your practice. Client control is something that you learn how to handle over time—and I am still learning. Your client will make it seem like things cannot wait and are an emergency. You need to communicate with your client. Be honest. And always keep them informed. Do not make promises that you cannot keep. And don't let your client's influence the way you conduct your practice. I once had a client who would basically make homemade pleadings and demand that we sign and file them without making any changes. We had to tighten the reins on that client in terms of making it clear what were attorney decisions and what were client decisions. Remember: it is your name and bar number on those pleadings, and you are ultimately responsible.

Finally, try to create a healthy balance. I try to exercise every day at lunch. This gives me a break, and lets me re-energize. Keeping a balance between your work and social life will only make you a better attorney, and just as important, a happy person.

Brie Ann Hopkins practices at the law firm of Curran Mendoza, P.S., in Kent, Washington. Her practice is mostly real estate litigation involving boundary disputes, adverse possession claims, misrepresentation claims, condemnations, construction defects and contractor claims, and landlord/tenant disputes.

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What to Do to Get a Job

By Joni Driskell

It is never too late or too early to employ some career planning and job-search activities to open or expand your job possibilities. Even if you are studying for the bar exam, or even if you already have a job. Why? Because there are many time intensive research and networking activities that can help you open up the vast unadvertised legal job market.

A person's success in finding work is in direct proportion to diligence and creativity in his or her job search. It's hard to think creatively "outside the box," however, when you are quite firmly stuck inside of it. To address this dilemma, here is the figurative "kitchen sink" of things to do to get a job in the field of law.



Legal Job Search Checklist

1. Assemble your **Application Packet**:

- a. **Résumé**—reviewed by more than one person
- b. **Master cover letter**—each cover letter should be customized

c. **References**—at least three. Get permission to use each reference, and send them each a copy of your résumé

d. **Unofficial transcript** with GPA, class rank if strong.

e. **Writing sample**—best thing you've written, edited, and corrected by a writing professor, more than one if possible: long (15 pp.), short (5 – 8 pp.)

f. **Undergrad transcript**

2. **Define your geographical preferences (3) or practice areas**

Choose one priority and go with that, be flexible in the other.

3. **Evaluate what size/type of employer** you will be best suited for.

Read feedback from other students, read the law student periodicals. Review the NALP (www.nalp.org) firm profile (large firms), Guerilla Tactics (K. Walton)

4. **Have your résumé and cover letter reviewed by a hiring attorney or career services professional** if you have not already, or if you want to make some updates. It

cannot hurt, and everyone needs that second pair of eyes.

5. **Contact everyone you know in law or business in your target region** and let them know you are looking for work and intend to relocate there. Ask advice from the people you contact. Ask about good lawyers to talk to and firms to apply to, particularly in your preferred practice area.

6. **Learn about the legal players:** who are the firms, how big are they? Who does what kind of law? Use www.martindale.com to search and filter this information and drill down to get contact info for lawyers, firms, and their websites.

7. **Read the local newspapers and periodicals.** Create the perception that you are not an outsider. See www.allyoucanread.com. Do as much research as you can on these locations.

8. **Locate fellow alumni in the area** and contact them. Again, Martindale Hubble or your law career services office can likely help with this. Don't forget your undergrad alumni. Call up or e-mail a few of them to introduce yourself and tell them that you are relocating there and ask for their best advice on finding work there.

9. **Request reciprocity with law schools in the area.** This is done through your career services office. This is usually done in writing between career services offices. Let them

know which schools you are interested in working with.

10. **Read your e-mail**—Career services offices usually e-mail job postings weekly to everyone who has given us their e-mail address. Call (or e-mail) to get on the list!

11. **Join local and county bar associations** in your target locations to start getting to know the area better and to meet other lawyers. Request any materials they have about committees, volunteer opportunities, employment opportunities, and so forth.

12. **Join the state bar** and find out about practice area/topical events you can attend, like CLE or section meetings.

13. Check with and **get to know the prosecutor (or DA) and defender's** offices, both for the county and for the city. These offices typically have lots of work and relatively frequent job openings. Ask them about volunteering and whether they ever hire from their volunteer pool.

14. **Volunteer** to keep active in the law and the legal community. This is a great way to meet lawyers and to do something positive for the community.

15. Have a convincing **reason why you want to be there** (geographically). **All employers will look to you for a compelling reason why you want to work there.**

16. **Put yourself out there to nonlawyer groups too, and have some fun!** Try out the sports or other activities that the area is known for like hockey, rollerblading, wine tasting, biking, book clubs, drinking lattes at a café, or whatever strikes your fancy. You will be meeting people and learning more about the area.

17. **Utilize your law career services office and website** to develop a strategy, talk about what you are doing and finding, to brainstorm new ideas, and to get a pep talk.

18. **Join an advance sheet group**—lawyers who meet to discuss the recent decisions of the appellate and/or supreme courts.

19. **Go to the courthouse(s)** and find out who the judges in municipal, district, superior, appeals, and federal courts are. Sit in on some proceedings if you are able. You'll see the lawyers and the judges in action.

20. **Go to as much CLE** in the location you want to work, regardless of practice area. CLE allows you to meet local lawyers and learn the hot issues being discussed in that area of law, which is great low-effort networking! If you're just out of law school, many

CLE courses have special “new graduate” or “unemployed new attorney” discounts on registration fees.

For questions please contact: Joni Driskell, Director of Career Services, Gonzaga University School of Law, P.O. Box 3528 , Spokane, WA 99220-3528; 509-323-6122; jdriskell@lawschool.gonzaga.edu.

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Cell Phones, Wireless, Blackberries, and Other Banes to Professional Fulfillment

By Evan Loeffler

Technology has provided many communication aids designed to assist the modern lawyer with efficiency and work quality. Although these tools certainly have certainly revolutionized the ability of lawyers to work from wherever they are, the side effect has been to blur the line between one's professional and personal lives.



I have experienced several events that brought this lesson home to me. In my solo practice I have scores of clients with active cases, all of whom are annoyed when they cannot speak to me directly when they call. I took all reasonable steps to ensure rapid response. I subscribed to a service that delivers my voice messages and faxes as attachments to my e-mail. Even if I cannot send and receive e-mail, I can check my messages and e-mail remotely using my cell phone. I make it a point not to leave the office at the end of the day until I have responded to all my correspondence. This has led to some late nights in the office during trials. However, most of my clients appreciate it when I call, even if it is at 8:30 p.m.

Unfortunately, this practice has had the unintended effect of giving many people the impression that I am literally always available. One client, unsatisfied with my response time (he left no less than six voice mail messages in a three-hour span one Sunday afternoon), insisted that I give him my cell phone number so he could get in touch with me when the need arose. I declined to do so. Another client, upset that he received what he

felt was an exorbitant speeding ticket for driving 70 in a 35 zone, figured out my home number and called me there.

“Ralph,” I told him. “It’s Saturday morning; you’re not in jail; the courts are closed; and if you’re contesting a speeding ticket there won’t be a hearing for weeks. Why is it that this can’t wait until Monday during business hours?”

“Because we need to work out a litigation plan!” he insisted. “I need to know what defenses you’re going to raise.”

“I don’t know until I see the ticket, and then I have to order the records for the radar that measured your speed. You can bring me a copy of the ticket on Monday.”

“I can fax it to you now!” he said. And he did. Through the wonders of modern technology, I was able to view the fax on my laptop computer in my kitchen while fixing breakfast. Then, using a cordless headset, I was able to spend the next two hours explaining to my client that I did not believe he had a particularly good defense even though the police officer had neglected to wish him a nice day after issuing him a traffic citation. During this time, I not only billed the client, I also I washed the dishes, mowed the lawn, repaired a fence, and started a load of laundry. The client was happy, but I felt that my day of rest had been ruined by the intrusion of work into my personal life.

I learned on another occasion that one must be careful about giving out a cell phone number to too many people. I was sitting in court waiting for my turn to argue a motion when the relative soporific ambiance of the courtroom was shattered by the sound of a ringing cell phone. The lawyer arguing his motion stopped in midsentence, excused himself, and then answered his phone. The judge was not amused.

“Counsel,” the judge hissed, “perhaps you did not notice that there are ten parties waiting patiently for their scheduled motion to be heard. And, perhaps you did not see the large red sign on the door that says ‘No Cell Phones.’ But I am not prepared to believe that you somehow forgot that we are in the middle of hearing oral argument on your motion that you have interrupted to take a personal phone call!”

The attorney apologized and explained he had been waiting for an important call from his office relating to another case. This did not help the judge’s mood.

“I will not comment on the fact that you do not feel that these proceedings are as important as those in another case. Whether they are or not, that does not excuse your disregard for rules of this courtroom. Give me your phone.”

The attorney handed up the cell phone. The judge removed the battery and gave it to the

attorney, explaining that he could purchase the phone from the judge for \$100 at his convenience. (It bears mentioning that the offending lawyer won his motion.)

The final example of how one can be too easy to reach involved some bad planning on my part. A telephone conference had been scheduled with the court and opposing counsel for 1:00 p.m. By 2:30 p.m. the court had not called, and I was experiencing an urgent need to use the restroom brought about by my having ingested six cups of coffee that morning. When I felt I could not put off this need any longer, I forwarded my business line to my cell phone and galloped down the hall.

I will not go into clinical details, but suffice it to say that my cell phone rang at the worst possible time. I answered the call.

“Counsel, this is Judge Hopper and we have attorney Wurstphall on the line. We’re on the record for Mr. Wurstphall’s motion. Are you ready to proceed?”

“Yes, your Honor,” I replied.

“We’re getting a bit of an echo, Counsel.”

“Must be a bad connection, your Honor. I can hear you just fine.”

“Very well. Mr. Wurstphall?”

Opposing counsel launched into his argument that his client should not be required to comply with the same rules of discovery all other litigants are required to comply with due to his belief that he was going to win the case anyway.

“Excuse me, Counsel,” the judge interrupted. “I missed part of what you said because of some background noise. Did anyone hear the sound of water?”

“I think that was on my end, you Honor,” I said.

“It sounded like a toilet flushing, Counsel. And I’m still getting that echo.”

“Umm”

“Let’s go off the record for a moment, shall we?” said the judge. “Mr. Loeffler, are you going to the bathroom?”

“Not anymore,” I said.

“This is where you choose to take your business calls?”

I explained this was not exactly my *choice* and that I had been standing by for the hearing for nearly two hours. After listening for a few moments, the judge burst out laughing.

“You really need to take more personal time, Counsel,” he said. Then he gave me a five-minute continuance to wash up and return to my office so the proceedings could be continued “with proper decorum. I would not want to make a record that this hearing caught counsel with his pants down.”

The judge made a good point. This is not an issue, however, only prevalent with lawyers. All professionals have both benefited from technology and simultaneously suffer from what has become an inability to truly stop working. Cell phones, pagers, wi-fi networks at every coffee shop, and portable e-mail devices like Blackberries not only make it possible for lawyers to keep in touch with their clients whenever they wish; they also encourage clients and colleagues to expect to be able to communicate with lawyers whenever or wherever they are. This can be inconvenient during weekends, vacationing, on a date, or attempting to take some personal time.

Without the ability to shut oneself off from the office, one can never stop working. This can lead to burnout. It is therefore recommended that clear lines be drawn to protect “work time” from “personal time.” Avoid taking work-related calls at home. Resist the temptation to check e-mail or check in with the office when on vacation. Recognize that time away from the office should be spent resting the mind and tending to the physical needs of the body.

This has been referred to in Stephen Covey’s *Seven Habits of Highly Effective People* as taking time out to “sharpen the saw.” It does not only apply to keeping up on changes in the law and in practice management strategies. It applies, too, to the importance of taking care of oneself.

Evan L. Loeffler is of counsel to the law firm of Harrison, Benis & Spence, in Seattle, Washington, where his practice emphasizes real estate litigation.

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The Old Man's Words of Wisdom

Traveling Can Be a Real Trip

I'm flying around again—yep, that's me, the local bar association's frequent flyer. The second week in February and I'm already on my fifteenth flight.

I love to travel. And it makes me a better lawyer. Now, you say, is this man crazy or what? What does traveling have to do with practicing law? Everything—I see that the experiences I bring to my cases are a direct result of my experience outside the law.

First, everywhere I go I check out the local talent—not the ladies, but to see how the small firms in the areas I'm visiting advertise, how they have their offices set up, signage, etc. The boldest advertising seems to be on the west coast. The tamest is in small towns on the east coast. I read their ads: what they say and how they promote themselves. Just reading an ad tells you something about the practice: hours, location, use of paralegals, experience. That helps with your practice management and development.

I also read the local papers—even in Mexico or Rome where I didn't understand the language. Photos and stories highlight issues that you may face in your community latter. I remember reading about a story when traveling in San Diego dealing with a property tax issue. When I came home as a school lawyer, I helped raise over \$1 million in increased revenue for the districts in my county by establishing the same type of program. Of course, since no one had "done it before" here, it was challenged through the courts. I remember one appellant judge saying that what "we" were doing was a "clever" way to turn over 30 years of jurisprudence around. They affirmed the program 5-2. I really wasn't



clever. I just copied what I learned traveling.

Traveling gives you a broader view of the world. You see and hear things differently. Being exposed to different ideas changes you. Talking to people from different areas gives you a different prospective on life.

Got some time? Take a trip. All the airlines have e-savers. Fly out Saturday morning and come back Sunday or Monday. Just a few days are enough. Don't view it as a vacation (you'll not stay long enough). View it as a break and educational experience.

—William G. Schwab, now learning the law for more than 27 years

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Trivia

Question:

When did the U.S. Supreme Court justices start wearing black robes?

Answer:

By all accounts, by 1800 at the latest.

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Advocational Vocab

Test your vocabulary.

Do you notice the differences among the following?



emigrate

eminent

immigrate

imminent

emanate

Answers:

emigrate—(v.) to go away from a country

eminent—(adj.) well-known; prominent

immigrate—(v.) to come into a country

imminent—(adj.) threatening; impending

emanate—(v.) to originate from; to come out of

Now test your friends and colleagues.

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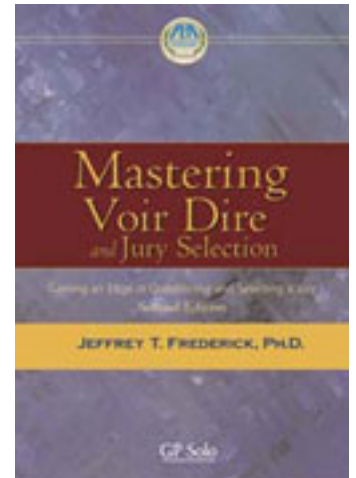
Be Nimble, Be Quick—and Be Flexible

Four areas where lawyers need to be flexible when conducting voir dire:

- The placement of topics or questions;
- The phrasing of questions;
- The development of new topic areas and questions; and
- The response to the opponent's questions.

From *Mastering Voir Dire and Jury Selection: Gain an Edge in Questioning and Selecting Your Jury*, Second Edition

By Jeffrey T. Frederick



[Click here to learn more or purchase this book](#)

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Section News:

Diversity Fellowships —*Last Chance—Apply Today!*

The Section's Diversity Committee and Membership Board identifies and nominates four lawyers of color who will be appointed by the Chair-Elect to funded fellowship positions within the Section, effective during the following bar year.

Deadline April 30, 2005.

[Find out more and apply to the Diversity Fellows program.](#)

Bylaws Changes

Attention all members—the Bylaws Committee has recommended to the Council that certain Section bylaws be changed. Please download and review the [revisions to the Bylaws](#) (MS Word) and email genpractice@abanet.org with your comments.

2005 Spring Meeting
May 18–22, 2005
Miami, Florida
Fontainebleau Hilton

We're having a heat wave!

The ABA's General Practice, Solo and Small Firm Section and the Young Lawyers Division are joining forces with the Florida Bar Association and the Florida Young Lawyers Association for a national conference offering outstanding opportunities for lawyers to participate in substantive programs and exciting social activities . . . all under the warm Miami skies.

Find out about the CLE, social events, and things to do around town at our [Spring Meeting pages](#) .

Solosez

Solosez is an electronic mail discussion list that has matured into a worldwide community of more than 1,000 solo and small firm practitioners. It is a place for lawyers to share and obtain information on a wide range of personal and professional subjects: legal questions, client referrals, topical issues, practice technology problems and solutions, travel information, jokes, or just to gloat about a court victory or vent about a local judge. You can join Solosez on its website: Solosez.net.

Solosez Supreme Court Group Admission

Five years ago, our local lunch group had an idea: let's get a small group together for a group admission ceremony to the Supreme Court. The idea quickly went national. Now, each October, Solosezzers from around the country and around the world get together in Washington with friends and family for a group admission to the bar of the United States Supreme Court.

Find out [how to participate in this memorable experience](#) on Solosez.net.

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The ABA General Practice, Solo and Small Firm Section provides many career-building opportunities

- **Award-winning periodicals**

Look to **GPSolo** magazine for the latest trends and legal developments. Special issues include the **Technology & Practice Guides**, loaded with essential software and technology reviews, and **Best of ABA Sections**, featuring articles selected for you from other top ABA publications.

Our quick-read newsletter, **Solo**, provides practical answers to your practice questions.

Up-to-date e-publications to supplement **GPSolo** and **Solo**:

- **Law Trends & Practice e-newsletter** — Compliments the Sections' substantive practice areas.
- **GPSolo New Lawyer** — Offers career and practice tips.
- **GPSolo Technology eReport** — Gives answers to your technology questions.

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- **Lawyers Weekly** — Live web news feed on GP website.

- **Free access to specialized information from GP|Solo Committees**

As a free benefit of your GP|Solo membership, join up to three substantive committees to receive even more specialized information that may not be available anywhere else. In addition, you have the option to give your input on relevant topics and timely issues, and contribute articles or suggestions to Section publications.

- **Continuing legal education**

You have access to a full schedule of seminars, national institutes, and other educational offerings at Section meetings.

- **Networking opportunities**

Meet attorneys from across the country who share your professional interests. Members enjoy a unique opportunity to debate, analyze, and learn from one another while shaping the work of the profession and forming invaluable relationships.

- **Leadership opportunities**

GP|Solo gives its members the opportunity to participate in the governance of the Section. Committee participation allows members to pursue their specific areas of interest, and also provides valuable opportunities to meet and work with colleagues from across the country and abroad. We welcome the participation of lawyer, associate, and law student members, including special opportunities through our Diversity Fellows Program.

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