This book is intended to help you succeed by giving you, in a single book, what you need to start your legal career or to start a law practice. It is designed to save the time and the cash of the new lawyer. Even if you elect to become employed in a firm, this book will often help you understand how a law firm functions.

Several major changes have occurred since the fourth edition, which was written five years ago. Many of the changes affect the new lawyer—or any lawyer starting a firm alone or with others. Most of what is in this book will never change. What lawyers do for clients and what clients need and expect from their lawyers is basic. The mechanics of how lawyers do things for their clients may change from time to time. Lawyers continually tell me that they keep prior editions of the book in their upper right-hand desk drawer to read and re-read and to refer to when they have a problem. About 10 percent of the book may someday become dated because of new methods of doing things and because of new areas of law replacing other areas. There will also be some changes both in the way lawyers help clients and the economic environment in which law is practiced.

There are several “new” topics that this fifth edition addresses, including:

1. E-mail and the Internet
2. Law firms merging to become mega-firms
3. Law firms of all sizes breaking up
4. The globalization of legal practice
5. The increasing size of student loans
6. Increasing attempts to convert the profession of law into a law business
7. Aggressive marketing being done by firms of all sizes, including cold calling by larger firms and the hiring of nonlawyer salespeople to seek clients for the firm

8. An aging population creating greater opportunities for serving senior clients and prompting the growth of elder law as a practice area of law

9. The huge increase in the number of nonlawyer consultants

10. The decreasing ability of courts to process the increased litigation needs of a growing population, causing an increasing use of alternate dispute resolution, which is often mandatory

11. When and how to safely and ethically close or destroy files

12. A brief history of some of the changes in our profession and the changes in law practice management

13. How to overcome the fears caused by lack of experience

The five major issues addressed in the fourth edition of this book are still with us and are addressed in this fifth edition. They are

1. Increased expectations of the lawyer by clients

2. Client technology changing the clients’ needs for lawyers

3. Lack of training of new lawyers by firms that are expecting billable hours from the untrained new lawyers

4. Lawyers finding themselves unemployed through no fault of their own

5. Quality-of-life expectations

Yesterday my first grandchild was born. My son and daughter-in-law elected to have a “natural” delivery with no anesthetics or surgery. The baby was born at a hospital with millions of dollars of equipment and thousands of employees. In the delivery room were an obstetrician, a pediatrician, a doula, a midwife, and several nurses. In the final analysis, notwithstanding all the people and equipment, the delivery was a matter between the obstetrician and the mother. Similarly, in the final analysis, the rendering of legal services is a matter between the lawyer and the client, notwithstanding all the nonlawyer staff available and all the new technology in the office.

Tomorrow, I shall be teaching several hundred new admittees (baby lawyers, if you will), as part of a Bridging the Gap program. I will collect several hundred audience questionnaires from these new lawyers. The hundreds of questions from the thousands of new lawyers whom I have taught for more than thirty years become, over the years, the questions that are answered in this book.
As in prior editions, I have followed Foonberg’s Rule of Technology, which is “If it works, it’s obsolete.” It is almost impossible to name any new equipment or software that will still be the latest available by the time the book is transformed from manuscript to print. The highway of law practice management is littered with the wrecks and corpses of “the latest technology.” Consultants and companies have simply gone out of business, leaving the lawyer with equipment that is little more than scrap metal and applications and systems that are worthless. Accordingly, there are very few references in the book to hardware or software unless I believe it is worth the new lawyer’s time and money to look at it. There are also very few references to other publications for the same reasons. The American Bar Association Law Practice Management Section has dozens of excellent books that are well written by knowledgeable authors and that could help a lawyer or a staff person do their job, but I have not recommended them unless I believe they would meet the needs of new lawyers who must learn basics and conserve cash.

As in the past, many hundreds of lawyers and their spouses have told me how this book was the key to their success when they began their careers.

This book has worked for them. It can work for you.

Jay G Foonberg
Beverly Hills, California
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