



Part I

Finding Your Passion in the Practice of Law



Chapter 1

Why This Book? Some Preliminary Matters

For nearly twenty years, I have been actively involved in helping students better understand the business of law and how they might use their law degrees to their greatest advantage. Often I have found that greater preparation for law practice as a “solo” practitioner is the best answer for many of them. For others, I have developed materials and other tools to help them become more successful whether as solos or working for others in a shared office environment or law firm setting. The business of law, as distinguished from legal theory and practice, begins with a realistic understanding of market forces and the practical limitations but also the opportunities for law school graduates.

Too many commentators predict doom and gloom for the legal profession. I believe, after you read this book, you will see opportunities that others fail to see. In addition, it provides a prescription to address the problems you may encounter as well as a method of fostering the greatest return for your efforts. To some degree, preparing you for the world of practice that you will encounter today is not enough. What I hope to do is to prepare you for the world of practice for the future as well. Whether you go solo or work for someone else, you will find the planning process I recommend to be a valuable tool for your advancement. But, you will need to follow through to prepare a plan and execute on your plan.

A Little History

Before law schools were creating “incubators,” advertising “practice ready” graduates, and offering classes to train soon-to-be lawyers about the business of law, Western Michigan University (WMU) Cooley Law School had already

started programs that focused on practical legal scholarship. We had already identified the need to help our students better understand the opportunities that solo practice had to offer.

GPSolo Concentration Formed

In 1999, WMU Cooley Law School established a concentration to support students who wished to go solo. As appointed chair of the GPSolo and Small Firm Concentration, I was committed to supporting those students and finding ways to help them establish their way to success in solo practice. At first, I worked through our Career and Professional Development Center. We offered books that provided business startup guidance for those students. Among many of the books in that library was *How to Start and Build a Law Practice* by Jay Foonberg.

In the course of my tenure as chair of that concentration, I frequently interviewed solo practitioners in the field. Many solo practitioners, whom I subsequently interviewed, said that the Foonberg book was their bible. They said that they felt the concepts that Foonberg laid out were valid, practical, and useful in their practices. *How to Start and Build a Law Practice* was, and still is, valuable for someone interested in going solo. I have tried not to replicate the material Foonberg covers in his book in this text. Also, as his frame of reference Foonberg uses attorneys who have left law firms where they have been practicing with a book of clients and significant savings to fund their startup. This book goes beyond the approach in Foonberg's book to give you information tailored for law students who are considering a practice of their own. It will provide a road map on how to go about preparing for solo practice *right out of law school*. It can be done, and many of my students have gone solo, right out of law school and have been very successful.

All students who chose to declare the GPSolo and Small Firm Concentration were required to enroll in certain electives designed to prepare them for the types of cases that most solo practitioners tend to find as their area of practice. For instance, these included family law, bankruptcy, estate planning, as well as mortgages and land contracts. They had some flexibility in scheduling with “recommended” and “highly recommended” elective options with greater emphasis on those areas of the law that were more popular among solo practitioners listed in the latter category. In addition, they were required to enroll in a practicum, a practical experience in the law school (internship) or outside the law school (externship) as a requirement for graduation.

As the GPSolo Concentration evolved under my leadership, I felt that we were still missing an important element in counseling students. I found myself counseling more and more students to go into the field where they intended to practice to explore realistic options for their specific practice setting. Eventually, I developed and offered a directed study that was structured in a manner that helped them develop a business plan that made sense for their unique circumstances. At the same time, I invited experienced and new solo practitioners to the law school to tell the students about their unique experiences as solo practitioners. After their presentations, the students would question them on the realities of practice; the good, the bad, and the ugly of solo practice.

Survey Solo Practitioners in Michigan

In an effort to find out what my students needed to know to succeed, in 2003, I circulated a five-page survey with almost 100 questions to about 2,800 solo practitioners in the state of Michigan, and received 339 completed surveys. More detail on the results of that survey follow below.

Creation of the Solo by Design Listserv

The next step was to establish a Google Group for students who wished to go solo, or recent grads who established solo practices right out of law school. In it, I provided guidance and resources for them as well as a forum for them to post questions or comments to one another as they wished. The listserv became, and continues to serve for them as a forum to communicate with one another—to provide resources, referrals, and answers for their peers. Prior to publication of this book, that group had grown to more than 300 subscribers.

Courses Specifically Geared to the Business of Law

At WMU Cooley, we also created several other courses for students that were designed to provide them with a better understanding of how they might be attuned to the business of law. They include Accounting for Lawyers,

Entrepreneurship for Lawyers, Transition to Legal Practice, and, of course, Law Practice Management (which uses the Foonberg book as its text). In January 2015, I started a blog, sololawyerbydesign.com which, you guessed it, offers information for all attorneys about the practice of law. Some of that material is included in this book as well—but not all of it. I invite you to visit my blog for updates and even more information which is designed to help you succeed in practice.

Chair State Bar of Michigan Law Practice Management and Legal Administrators Section

In an effort to be better informed about the issues that confront law firm practice, I became involved in the Law Practice Management Section of the Michigan State Bar and eventually became the chair of that organization. In that role, I was directly involved in the creation of the Michigan Institute of Continuing Legal Education (ICLE) with Shel Stark, the program director for ICLE. That program has become an annual event with a strong following and repeat attendance year after year. I have served on numerous committees for the American Bar Association (ABA) and State Bar of Michigan, all of which focused on the changing nature of practice and how the regulation and education of the newest members of the Bar will need to adapt to those changes to remain relevant. My input is sought because of my extensive experience in this area of practice support.

Author *Solo Lawyer by Design*, the Book

Everyone who knows me knows that I have been committed to helping my students and graduates succeed in the business of law. This book is the culmination of my efforts and a ready reference for you to tap into my extensive experience. I sincerely believe that this book will become a resource that you will revisit as your business matures. Finally, I have decided to write this book to enable you to better understand what you will face as you explore establishing yourself as a solo practitioner. My aim is to have you better informed so that you fully appreciate the opportunities and obstacles that you will face as

you consider this path as your professional practice platform. This book is not designed to sell you on solo practice. In fact, if you decide solo practice is not for you, I am fine with that. If you find that you do not have the personal characteristics to weather the storm of inclement legal pressures, then I have moved you toward success as much as if I have helped you decide that you are cut out for solo practice.

This is a book written to help prelaws, law students, and recent graduates, as well as seasoned practitioners understand where they best fit into the legal practice environment. I hope to give you the tools to help you weather the rapidly changing marketing developments which present new and difficult obstacles to successful practice. But where technology taketh away, it also opens doors to new opportunities to expand your area of influence in new and efficient ways. Throughout this book, I have incorporated a number of true stories to help demonstrate certain concepts and hopefully to be somewhat entertaining.