Many years ago, my then-law partner had just left our two-person firm to take a political job with our city’s newly elected mayor. My partner and I had been practicing together for five years when he decided to leave. After two weeks on his new job, he called me to say that he had come into the office that morning to find a paycheck in his desk drawer. “I just showed up every day for the last two weeks, and they gave me money. What a concept!” he exclaimed. We discussed how different that was from the way it worked in our office, where just “showing up” didn’t guarantee that you would get paid. Life in the small law office is very different from life elsewhere, and getting a regular paycheck is just one of the differences.

After I hung up, I was envious for a few minutes, but then I realized that whether I got a regular paycheck every two weeks or had
to fight for every draw, I wouldn’t trade places with my former part-
ner in his new job or with any lawyer who worked for a regular 
paycheck in a law firm, government, or business. I realized that I 
liked practicing law in a small office and that getting regular pay-
checks was a secondary consideration. What’s more, the paychecks 
did start coming regularly, and after that happened I never had a 
second thought about choosing to become a solo.

In the thirty-three years that I have been a lawyer, I have mostly 
practiced alone or with a single partner. I have been a solo now 
since 1997. These days I work mostly as an arbitrator and mediator 
in personal injury litigation. I meet a lot of lawyers, both plaintiff 
and defense. They come from big firms—usually the defense law-
yers—as well as from small firms—usually the plaintiff’s lawyers. I 
know a number of small-firm lawyers (and even solos) who do insur-
ance defense, but the largest plaintiff’s firm in my state has fewer 
than a dozen lawyers.

It’s easy to generalize, but I think that both my small-firm and 
large-firm colleagues would agree that life is different when you are 
out there on your own, regardless of what kind of law you practice. 
Small-firm lawyers, including solos, have a lot in common. Lawyers 
who work in larger firms also have a lot in common. What big-firm 
lawyers have in common is not the kind of law that they practice but 
the way they practice law. What they have in common is the way 
that their practices get managed and a similar level of support in 
running their offices. From a solo’s perspective, it appears that large 
 firms have an abundance of management resources, while solos 
have a scarcity of resources. With a little creativity and flexibility, 
however, an enterprising sole practitioner can turn what looks like 
a negative into something positive.

An example of the differences between large and small firms would 
be in the ways that a large-firm lawyer and a sole practitioner handle 
a lawsuit. If you were to watch two experienced lawyers—one a solo 
and the other from a large firm—try a case against each other, you 
probably could not tell who was from the large firm. Both would 
know the law, and each would be proficient at putting on a
persuasive and effective case. The difference between the two would be in what was going on behind the scenes, outside of the courtroom.

Both lawyers would prepare documents for the judge—everything from trial memoranda to jury instructions to motions for a directed verdict—but in the case of the big-firm lawyer, those documents would probably be coordinated and prepared by a supporting staff of legal secretaries, paralegals, and junior lawyers working as many hours as needed to get the job done. Those documents likely would be ready well in advance of the deadline for submitting them to the court. For the equally skilled solo, there may be only one person back at the office to work on those documents, and that person may not be able to handle everything that the lawyer needs. (For some solos, there may not be anyone back at the office.) That means, in all likelihood, that the sole practitioner would create his or her own trial documents—some may actually create and print the documents from start to finish, while others might have the luxury of instructing someone back at the office on how to do it. But in either case, the solo’s way of getting things done would be far different from—and more personally laborious than—what the large-firm adversary would have to do to generate the same documents.

This difference between large firms and small firms holds true for everything—from interviewing and subpoenaing witnesses to preparing trial graphics and scheduling experts. And as far as the sole practitioner getting everything done well in advance of deadlines, let’s just say that it is far less likely to happen than in the large firm. Most solos spend their careers scrambling to meet deadlines.

Lately, many of my small-firm and solo colleagues report that using an iPad in trials and hearings has made a big difference in their effectiveness. Who would have thought that a tablet computer would have such a profound effect?

So why would lawyers choose to work where they have to do everything themselves? Why would a lawyer not want to join a large law firm where there are people who do the clerical and financial work so that the lawyer can focus on practicing law? Why would a lawyer prefer to be isolated in a small office when he or she could enjoy the support and collegiality of a larger group?
The answer may have as much to do with personality and temperament as with anything else. The answer may be that some people choose to forgo the amenities and conveniences of a large organization simply because they do not want to work in a large organization. It may be because they prefer the independence that goes with working alone or as part of a very small group. For the solo lawyer, that independence involves being able to chart one’s course without having to seek the advice or consent of superiors, peers, or subordinates. It may be as simple as needing to be in charge.

Independence may have to do with being able to come and go as one pleases without being accountable to a boss. The solo who leaves work early to coach soccer, to go for a run, or even to go home and take a nap must answer only to himself or herself. All of this independence and lack of day-to-day accountability means that a successful solo will need to develop good work habits and a strong work ethic.

The good news is that smart solos can have the best of everything, in my opinion. They can have independence and freedom and still make a good living. The key is to recognize that you are walking alone on a tightrope and need to have a safety net to keep you from getting hurt should you fall. Your safety net can take the form of dedicated employees, trusted colleagues, or a concerned spouse. It can include routines, systems, policies, and procedures, as well as a self-evaluation of your strengths and weaknesses. It can be something as simple as not getting overextended with litigation that will take all your limited resources for an extended period of time.

If you are to be successful, you will need to learn to delegate. You will need to develop good time management skills. You will need to learn when to ask for help in getting your work done.

The truth is that if you plan to practice alone, you have to make sure that things will go right more often than they go wrong.

Learning to practice law as a solo involves skills that must be learned. No one is born with these skills, and few law schools teach them. This book has good advice from successful professionals who have either learned to practice law as solos or have taught those skills to sole practitioners.
About the Author

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Portland, Oregon attorney K. William Gibson is a former Chair of the ABA Law Practice Division. In 2013, he was awarded the Samuel S. Smith Award by the ABA Law Practice Division in recognition of his lifetime achievement in the field of law practice management. He has written extensively for Law Practice Magazine and has won several awards for his columns and feature articles. He is the Immediate Past President of the College of Law Practice. Gibson is the author of three editions of the best-selling How to Build and Manage a Personal Injury Practice, and served as editor of Flying Solo: A Survival Guide for Solo and Small Firm Lawyers, 4th Edition. Now a full-time arbitrator and mediator in Portland, Oregon, Bill Gibson has practiced personal injury law since receiving his law degree in 1979.