Introduction

In this presentation, we have been asked to discuss important issues for growing your small or solo IP practice. This paper provides a brief overview of our firm and discusses three specific growth stages our firm experienced and practical considerations relating to each stage.

Firm Overview

JONES ROBB, PLLC, located in the Washington, D.C. metropolitan area, is a boutique law firm specializing in patent legal services. We know that our clients expect the highest quality and timely work from their outside counsel. We also recognize the pressures companies are under to maintain reasonable legal costs. And, we appreciate that in today’s global and far-reaching society, diversity is critical to the success of a business’s legal strategies. Our firm is uniquely positioned to meet all of these goals. Jones Robb focuses exclusively on providing legal services in the areas of patent preparation, U.S. Patent and Trademark Office proceedings, and IP-related counseling because of our belief that these areas are unique from various other legal practices, including patent litigation. Focusing firm resources on these services eliminates high overhead costs that can arise in general or litigation practice settings, allowing us to deliver exceptional value to our clients.

Quality work product and building relationships with our clients are the foundations of our practice and distinguish us from our peers. Jones Robb prides itself on consistently delivering high-quality legal work through the use of dedicated teams of attorneys and staff. In addition, leveraging our staff efficiently allows us to provide our clients with access to seasoned expertise while keeping costs in check. Importantly, our services not only are of the highest legal and technical quality, but also are timely and cost-effective. To this end, our attorneys and staff provide the quality and experience generally found at large law firms, while our smaller size enables us to deliver our services in a customized manner. We work closely with each client to understand the business purpose and desired scope of each project, and tailor our approach and fees to meet agreed-upon expectations. Both our long-standing and growing trusted and committed client relationships reflect the success of our approach.
The Jones Robb patent practitioner team has the depth and breadth of a much larger firm. All of our attorneys are registered to practice before the U.S. Patent and Trademark Office, and many have experience in large law firms, in Fortune 500 legal departments, and/or as former patent examiners. Several of our attorneys have 5-10 years of patent experience, while the firm’s partners average more than 20 years. Our staff also includes professionals who have dedicated and long careers in patent prosecution and docketing roles.

We have been serving clients for over a decade and the firm is certified as a women-owned business by the Women's Business Enterprise National Council (WBENC). Since its inception with Susanne Jones and one other co-founding partner, the firm has grown to its current make-up of three partners, six associates, three patent legal assistants, two docketing specialists, an office administrator, and a bookkeeper. In addition, throughout the year and during the summer, Jones Robb’s team includes several interns and part-time college or law students. Jones Robb continues to seek talented attorneys and staff to joint its team and serve its current and expanding client base.

**Growth Strategy #1 – Do What You Do Best**

When you first open the doors to your solo or small practice, and particularly before a pipeline of funds for the new firm has been primed, you may find yourself wearing all sorts of hats. After all, a law firm, like any other business, requires various non-law essential functions to operate. Examples for an IP boutique include accounting, bookkeeping, docketing, marketing, IT, and HR/payroll (to the extent you have any employees). These non-law essential functions can take up large amounts of time and often require a level of expertise the typical IP attorney does not have. Determining how to fulfill these essential functions within the firm is a critical element when growing your practice. Simply put, it is important to understand how time-intensive and important these functions are, and then to decide how these functions will get done.

A partner’s time is best spent leveraging her expertise – providing counsel on patent legal matters and marketing that expertise to grow the business, whether by concentrating time spent on providing quality work product to existing clients or developing entirely new client relationships. While it is true that running administrative aspects of the firm cannot be completely off-loaded, these essential non-law functions need to be handled on a day-to-day basis in a way that does not unduly impact the partner’s time such that the core business of the firm cannot be accomplished. Below are a list of some options to consider as part of a strategy for ensuring that the essential law functions can be focused on by partners, without neglecting the non-law essential functions.

A. **Hire an office administrator**

Hiring a full-time person for each essential non-law area identified is not necessarily required for a small firm. There are various options to consider for these functions. For example, it may be possible to find a full-time administrative assistant who has HR/payroll experience, as well as some marketing and bookkeeping experience, or at least enough experience in those areas to handle most day-to-day issues. If your firm has office space, a full-time office administrator can also coordinate any space issues, vendor payments, and assist with leasing and/or purchasing of office equipment. An office administrator with a strong HR/payroll background can be invaluable once one or more employees are hired by the firm.
First and foremost, payroll and benefits coordination are critical processes to perform correctly, timely, accurately, and in accordance with applicable state and federal laws. And, as each employee may have various work-related issues to address, a partner will very quickly have a revolving door of employees seeking to discuss pay, benefits, and any number of workplace-related HR issues unless a proper gatekeeper is in place. An office administrator with the appropriate skill set can offer a wealth of expertise in several critical non-law essential functions of the firm, freeing up partner time to focus on the core law business, which should ultimately easily pay for the cost of the administrator and increase the firm’s bottom line. In addition, a good office administrator can reduce the potential for bigger issues relating to payroll, HR, etc. that may ultimately cost the firm much more money if not handled correctly.

B. Consider outsourcing and/or utilizing interns for non-law essential functions

A smaller practice may not require a full-time person for each non-law essential function. For example, IT needs may arise on an infrequent basis but, when needed, are generally immediate and time-intensive. Marketing may be another area that requires bursts of time, but may not warrant a full-time person on a day-to-day basis. For these and other areas where the needs generally do not involve day-to-day attention, a good option for a small firm is to contract with organizations or use interns who are majoring in the area of need. Our firm has used both types of resources very effectively. As an example for IT needs, contracted vendors can be used to support IT infrastructure such as maintaining servers, assisting with purchasing and computer setup for new hires, assessing and implementing any software programs the firm may use in its practice, and even managing VoIP telephone systems. As the IT experts, the vendor can serve as the go-between with software vendors to troubleshoot software issues that arise as well.

Marketing is another area to consider outsourcing and/or accomplishing through the use of part-time staff or interns. Large firms often have several staff members dedicated to marketing functions. As a small firm, the budget for marketing may be much more limited. But it should not be ignored. In order to provide content for a website and be on top of trends or legal decisions without being “late to the game” for your clients, consider hiring part-time interns tasked with doing regular legal research or browsing for relevant IP-related news, case law, and the like. This content can be provided to the attorneys at the firm and shared with clients or posted on the firm’s website and other digital media outlets as appropriate. Interns can also be used effectively to manage mailing and email distribution lists. For more time-intensive, but limited duration projects, such as creation of brochures, marketing packets, press releases, and the like, the use of contracted vendors can be used effectively.

There are many other examples of ways to effectively and efficiently use third-party contractors and interns. Think about some of the items on your wish list and be creative about how those goals might come to fruition without the need for a dedicated staff member.

C. Determine how legal support functions will be handled

Aside from the non-law essential functions, there may be numerous legal support functions that need to be done in order to deliver the core work product of an IP boutique firm. Support functions may include, for example, docketing patent-prosecution-related dates and patent paralegal functions such as electronic filings at the U.S. Patent and Trademark Office, preparation of client communications, formal documents, and other typical secretarial functions. As with the other business administrative functions, while initially it may seem practical and
compelling, from a financial standpoint, for the solo practitioner or small law firm partner to handle some of these tasks, these tasks generally do not warrant the billing rate and time of a patent practitioner. Thus, this area also is one that needs to be considered for offloading from the attorney’s plate. Options to meet these needs include hiring one or more dedicated staff members or contracting the services of one or more of the numerous docketing and patent paralegal organizations that are more and more frequently cropping up.

One possible structure is to use dedicated staff members in these roles, which can provide the benefit of those individuals establishing relationships with clients and firm members and being able to understand nuances regarding the firm’s practice. Other ways to organize support functions include contracting with vendors. There exist many organizations that offer IP-related staff functions and, often, a customized approach can be taken with these organizations with respect to how the services will be performed. Overall, the important point to keep in mind is that, generally, clients do not want to pay a lawyer’s hourly rate for these functions. Thus, to optimize the partner’s and other attorneys’ time, offloading these functions in one way or another is typically a worthwhile investment for the growth of the practice.

Strategy #2 – Define Your Firm Culture - Inside and Out

Often the term “culture” is considered to be a firm’s internal expression of who it is. However, this term can be useful for expressing how a firm behaves not only internally but also externally, because both are manifestations of the firm’s values. From this perspective, being able to define your firm’s culture - from what will be its core competency to its values and expectations of employees - will help purposeful growth, from the perspective of attracting both new business and personnel to support that business. People, whether clients or potential future team members, want to know why the firm acts as it does and what values guide those decisions. There is no one right way to express your firm’s culture, it is just important to try to define it and commit to it.

A. Define your firm’s external culture

As a small, growing firm, it can be seductive to jump at any opportunity for work that knocks on the door. However, our experience has been that when a small firm strays too far from its area of expertise, the returns generally are not worth the investment. The fact is, in a small firm, resources are more limited and, thus, focusing on what resources you have and what those resources are best-suited to produce generally will result in a more effective work environment and provide a better quality service to your clients.

Taking a more limited, defined approach to the core services your firm will provide, and to whom and how those services will be provided, may naturally guide a variety of decisions that can help focus the firm’s limited resources. Focusing on a similar type of client to develop initially can help a firm decide how to charge clients, and understand how and when it will get paid. For example, in a patent prosecution practice, clients that have U.S.-originated filings may have a very different payment time and service delivery schedule than clients having filings originating outside of the U.S. Focusing on clients with similar needs and payment cycles can allow a firm to make a host of other decisions relating to realistic projections of income. It can then become easier to naturally expand from the original focused approach as income expands.
In addition, being able to clearly articulate your firm’s core services and how the firm delivers those services, including pricing, timing, and staffing, tends to engender trust from a potential or current client that is considering using your firm. The ability to then deliver as promised to a client, because you have focused your resources in advance, in turn engenders further trust, making that client more likely to give you future business and refer you to others in need of your firm’s articulated core competencies. On the flip side, not delivering as promised due to inexperience or lack of proper resources, generally leads to the opposite effect – a loss of future opportunities with that or other clients.

This is not to say that as you grow, your firm should not consider providing additional services to its clients, or expanding its expertise. It is just important that such expansion from previously identified core competencies occurs in a planned and purposeful way, rather than as a reaction to a singular opportunity for work.

B. Define your firm’s internal culture

Just as defining your firm’s external culture serves to facilitate what work and client opportunities you will pursue, defining the firm’s internal culture will assist in making the appropriate decisions regarding who to hire and who will fit with the team. Law firms are not a one size fits all model when it comes to which employees will prosper as individuals and help the firm to prosper as a whole. Because of this, defining the culture internally often mirrors the services your firm strives to deliver externally. And, just as there are multiple approaches to what and how to deliver services, there are multiple approaches to the internal structure and culture of a firm. Again, the key here is to choose something that can be defined so that you are able to articulate expectations, to both prospective and current employees, that are consistent and allow all parties to make informed decisions.

For example, our firm takes a team approach to delivery of its services, generally assigning a client project to a team including a senior level attorney, a more junior level attorney or agent, and a patent legal administrator. We attempt to leverage the different aspects of the work among the three individuals to ensure we are meeting budget expectations while delivering exceptional work product. Moreover, through this structure we are able to provide organic mentoring and training, an area that is one of our firm’s core values.

There are a variety of values a small firm may identify that can help a firm express its internal culture. Indeed, often prospective clients and employees are coming to a small firm in light of some of the more intangible aspects relating to culture that can get lost in bigger firms.

Ultimately, the internal and external cultures of a firm should reflect each other and, when communicated, should naturally drive growth externally and internally through a shared system of common values and goals among the parties involved.

Strategy #3 – Develop Effective Processes and Communications

As a firm continues to grow and put years under its belt, it can become challenging to communicate standards, policies, and procedures. In a solo practice or small firm, communications and decisions are generally made by all parties involved, which makes information-sharing relatively easy. However, adding just a few employees can disrupt that natural flow of information and, often, smaller firms do not have the resources to dedicate to a
complete training program of employees during the onboarding process. Continuity of service
also may be impacted as employees leave the firm over time or are out for extended periods. To
be able to continue to grow and service clients effectively, it may be important to develop a
system of communicating processes and procedures to all team members.

A. Create procedure manuals and training materials

While smaller firms may have standard policy manuals focused mainly on HR issues
early on, it is important to also document procedure and training materials for team members of
a growing practice. For smaller firms that often may provide more customized services to
clients, it can be invaluable to document procedures for each client that can include a variety of
relevant and helpful information from reporting procedures, to billing procedures, to docketing
procedures. Such procedures can be stored electronically in a location accessible to any
employee who needs to know the information to service a client. To do this in a manner that
does not unduly burden an already busy team, consider using existing staff with their
institutional knowledge to document procedures in electronic form as they work on matters for
clients.

For sources of training, consider the use of webinars provided by organizations like the
ABA and the U.S. Patent and Trademark Office. The U.S. Patent and Trademark Office has a
wealth of online manuals to provide for training purposes on a variety of topics, such as EFS
filings. In addition, the U.S. Patent and Trademark Office continues to increase the number and
type of webinars it offers - webinars that can be attended remotely and can be useful for more
junior attorneys, agents, and staff.

The key is to provide training and procedures in a way that reflects the scale of your firm
and the realistic resources that you can dedicate to these aspects. With online tools, there are
many ways to do this effectively.

B. Utilize technology

The explosion of the electronic age has significantly lowered the barrier to entry for solo
and small law practices. Computer equipment, servers, and robust telephone technology can
all be obtained at relatively low cost. And, even compared to a decade ago when our firm
started, communication through electronic mail and video conferencing has become mainstream
both in the U.S. and abroad. Investment in technology, and software platforms in particular, is a
wise choice that can generally reduce costs and increase profitability when diligence is used
from the time of initially selecting the technology to its continued use once implemented. In
other words, if the investment is made, ensure that you will dedicate the time to use the
software for all of its robustness and educate the entire team regarding the same.

One example of software that may assist a smaller law firm with growth is the use of
comprehensive and integrated time and billing, docketing, and document management software
platform. While any software transition can be painful, regardless of the size of the firm, the
long-term gains are generally worth it if done with diligence. As mentioned above, the relative
lower costs of technology and these types of software platforms permit smaller firms to
incorporate databases and software into their practices much more readily than in the past.
This allows team members to more effectively and efficiently communicate regarding projects
and client procedures.
Another consideration is obtaining software that also readily generates financial reports and other tracking reports that provide a wealth of information on the status of finances, clients, projects, and productivity. The ability to easily access and collate the data from a central platform can free up firm leadership time previously required to extract similar information, and may also provide new information altogether, allowing a better understanding of the state of firm operations with respect to a variety of metrics.

There are a plethora of software platforms that focus on law firm practice, including for IP practices. The ABA solo practice section often has technology reviews that are a source of valuable information.

C. Seek feedback

Law firms of any size can be slow to change due to their generally risk-averse tendencies. Often this leads to an “if it ain’t broke, don’t fix it” mentality. This mentality, however, leads to stagnation, particularly in the area of developing processes and procedures that ultimately can make the firm run more efficiently and allow for future growth.

In smaller firms, while partners generally meet to discuss how to change procedures and processes to align with the firm’s resources, often feedback from employees and clients is obtained more informally. However, understanding how others outside of the leadership team perceive the firm can provide valuable insight into process improvement. To encourage open and honest feedback, consider the use of a more neutral party, such as an outside consultant or office administrator, to meet with employees and survey clients. Alternatively, use survey software that can allow individuals participating in the survey to remain anonymous.

From the client perspective, the goal is to learn not only if the firm is missing key areas of service that clients desire, but also if client trends exist that can be leveraged to develop or improve procedures and processes for service delivery.

Soliciting this kind of information may provide some discomfort to firm leaders, as certainly not all feedback will be positive. But understanding perspectives from various stakeholders is key to process improvement. In general, change tends to be an impetus for growth, and the latter typically cannot occur without the former.

Some recommended reading:

For aspects relating to defining firm culture: Start With Why: How Great Leaders Inspire Everyone to Take Action, Simon Sinek

For aspects relating to becoming process-oriented: The Power of Habit: Why We Do What We Do in Life and Business, Charles Duhigg