

THE Leap of Faith & What Comes Afterward

BY MARK LATCHANA

My

decision to go into solo private practice can best be described as a leap of faith. You may ask “faith in what?” The answer quite simply is faith in myself. This article will address first the decision to start a private practice, and secondly, some tips and suggestions for overcoming the inevitable challenges of working and supporting oneself.

As an initial matter, a little background about me might be helpful. I began my career as an attorney at the Genesee County Prosecutor’s Office in 1997, following graduation from law school. The thought of working for myself never entered my consciousness during law school. Like many others, I longed for the “big firm” job with its accompanying large paycheck. Unfortunately, or fortunately, that was not to be my career path. Instead, I interned at the Genesee County Prosecutor’s Office and fell in love with criminal law. The excitement and opportunity to be in the courtroom was intoxicating and I was hooked.

After beginning my career as an assistant prosecutor, and gaining valuable trial experience, I eventually became a circuit court trial prosecutor. In my mind, this was the reason to work in criminal law—the big cases: murder, robbery, and major assaults. I could not have been happier. I had made it where I wanted to be within the prosecutor’s office. I had a regular paycheck (albeit smaller than in my fantasy version) and good benefits. I also got to work with some amazing individuals, as well as meet and know personally a great number of the local bar members. What more could I want?

It was then that I began to wonder what lawyers who practice civil litigation do for a living. Up to that point, my experience with civil litigation consisted of listening to attorneys argue on motion day. The lure of more money was also in the back of my mind. I thought to myself, should I consider changing career tracks? I should also mention that these career decisions did not occur in a vacuum, or



without the input of my wife, who also happens to be an attorney. At this point in my career, I was commuting to Flint from the Lansing area to perform my prosecutorial duties. While these thoughts were running through my head, an associate of my wife's learned of an opportunity at a local civil litigation firm. One thing led to another, and I turned 30 and started working at a civil insurance defense firm all in the same week.

The Big Decision

I found the work interesting and challenging. However, I soon decided that for me, civil litigation did not hold the same allure as criminal law. I began to think of ways to get back into criminal law. Part of that process included talking to several criminal defense attorneys I had met and become friends with during my tenure as a prosecutor. The initial seeds of solo private practice had been planted. I saw what these people had been able to do, and began to think about whether I could do the same. Keep in mind, I had never considered solo practice before, much less thought about the things necessary to own and maintain a business. The more I talked to these fine attorneys, the more the possibilities became real. Still, numerous doubts clouded my thoughts. I had no idea where to locate my office, where I would get clients, how I would advertise, and perhaps most importantly, how I would earn a living.

Without getting too philosophical, for me the decision to start a solo private practice was really a process of looking at what it takes to do the job, and then looking within myself to see if I had what it took to be successful. In my case, I had never thought about it before, which is funny because my father has been a self employed physician in Flint for over 25 years. You would have thought I might consider private practice based solely on that. I also had the luxury of a spouse who worked. Many people considering making this move do not have that, and I shudder to think whether I would

have had the courage to make this move without my wife (and her paycheck.)

Eventually, I came to the realization that for all of my fears about earning a living, there also existed limitless opportunity. I finally figured out that while things could always go horribly wrong, they could also go spectacularly right. There was as much chance that this venture would be a resounding success as there was that I would fail and have to go seeking a job with a "regular" paycheck. I believe that my realization came from finally having faith in myself. It's as simple as that.

Once I realized the possibilities, and that I could do it, I had to do it.

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Lessons in Starting a Practice

The first thing I want to say is, do not reinvent the wheel.

There is no reason to start off with a host of new and original ideas. The best piece of advice I can give you is to do what others have done, at least until such time as you "figure out" what you are doing. To that end, I strongly encourage anyone considering this move to speak to those who have gone before you. You would be surprised, but a lot of attorneys are very willing to speak to you about their successes. Seriously, before I made my decision, I called up a local attorney whom I had never met, that had gone into private practice about a year before. Even though I called unexpectedly, we talked for at least a half an hour about the ups and downs of solo practice. In the end, he said he had never been happier. In speaking with a lot of other solo attorneys, that was a commonly repeated phrase.

I will try to break down the things I learned over the course of the last year into a few defined categories that will hopefully help someone considering a solo private practice.

Where to Locate

Given the decision to enter solo practice, the next logical step would be to decide

where will you be located? This decision may prove to be one of the most important you make. Should you decide to locate yourself in a community where you have had no prior contacts, your road to success might be much longer and bumpier than it has to be. Capitalize by locating your practice where you know people, and people know you. I was very fortunate to have worked in Genesee County and become familiar with a great majority of the local bar. But more than just the lawyers, locate where you know people in the community, where you or your spouse went to high school, where you grew up, or where your parents live.

After deciding what geographic area to locate in, the next logical question might be, where are you going to put your desk? I would encourage you to seek out associations with others who are similarly situated. By that, I mean try to find a group of attorneys in solo practice who may have an office to rent. Not only will your rent most likely be cheaper, but you will benefit from some of their experiences and avoid some of the mistakes they have made. Remember, do not reinvent the wheel.

In my case, I rented space in a building with many other attorneys. The price was right, and the location was near the local district and circuit courts. Another benefit of locating yourself amongst a lot of other lawyers is the opportunity to "cover" things for those attorneys. As you may be aware, lawyers' schedules are largely determined by the courts, and it is very difficult to be in more than one place at a time. Thus, attorneys often need the assistance of one another in covering various hearings. This is where you come in, the new solo attorney in the building or area, with a lot of time on your hands. In addition to being helpful, a lot of attorneys will pay you to cover their scheduling conflicts, thus making you money, and starting you on your road to success.

How Do You Get Clients?

The greatest fear of any attorney considering opening a solo private practice is where they will get clients. Believe me, this is the thing that kept me up many a night. As an initial strategy, you must tell everyone you

know about your new venture. A very good idea that I used was to send an announcement to friends, family members, and the local bar association. Your announcement should include the basics like location, telephone number, and several broad practice areas you might like to work within. You may be wondering, what if I only want to do criminal law, or domestic relations, or plaintiff's work? When you are just starting out, take whatever comes through your door. You have bills to pay, and the more you do, the more people you will meet, and the more referral possibilities will be generated. There will be plenty of time to specialize as your practice develops.

The biggest surprise I have found is how willing other attorneys are to refer cases to new solo practitioners. Forming relationships with other attorneys is vital to your success as a solo practitioner, because those referrals from other attorneys may often lead to new clients. And remember, all of your clients have friends and relatives who may need the assistance of an attorney. In time, you may be able to return the favor of a referral to an attorney who assisted you in the past.

Advertising. There, I've said it. Twenty or 30 years ago, a new solo attorney would never have dreamed that this would be a vital consideration. The fact of the matter is that in many communities, advertising is an easy, albeit expensive, way to get your name out there. The first thing one must do is find out when the new Yellow Pages or Yellow Book telephone directory comes out in your particular area. These books come out once a year, and a solo attorney must be able to get into the directory of his or her choosing within a reasonable timeframe after opening their new practice. Telephone directory ads are expensive, but without a doubt, worth the expenditure.

In addition to telephone directory advertising, one should also consider newspaper ads and billboards. While I waited for the new telephone directory to come out, I did use newspaper ads with some degree of success. I can only tell you what I was told. Whatever money you spend on advertising, you will get back in the form of new business. It may be hard to swallow a large monthly bill for the telephone di-

rectory ad, but believe me, you will be happy you did.

A great way to meet many members of the bench, local bar, and court personnel is to get on as many court-appointed lists as possible. In many counties, appointed attorneys represent indigent criminal defendants, juvenile delinquents, and parents in neglect proceedings. These are all excellent sources of work to fill one's day. And as I've said, the more attorneys see you in court and get to know you, the more they will be willing to have you cover matters for them.

Lastly, please remember that every person you represent is a source of new business. This includes retained clients and court-appointed ones. It has been my practice to send each and every client a closure letter with business cards should they, or someone they know, ever need the assistance of an attorney. Also, keep in mind that every person you meet on the street or in the courthouse is another source of business. You never know where that next new client will come from, and it pays to keep that in mind whenever you meet a new person.

Support Staff

Many people wonder, who will answer the phone, type the letters, open the mail, or schedule appointments? When you first start out, you need to accept the fact that you will most likely be doing all of those things. The simple fact of the matter is that nowadays, you will not be able to afford to hire a secretary or assistant when you first start out. For the first five months of my practice, I did everything. Believe me, it is not glamorous to answer your own phone, or write the mundane letters, or make sure you have paper and supplies. But, it sure feels good knowing that you are keeping expenses down. And really, you shouldn't expect to be overwhelmingly busy in the first month or two. Use that time to get organized, because you are starting down the road to a successful practice that will require a great majority of your time and energy.

After five months, I was fortunate to be able to move in with a group of attorneys who share the expenses of support staff. Having done it all by myself, I strongly encourage anyone considering this move to

seek out a similar situation. I can't say how much better it is to have skilled individuals available to take phone calls, write letters, and maintain contact with clients. It's my belief that a capable support staff is well worth the expense because they allow you to focus more on the actual representation of your client, as well as the ever present task of generating new business.

While not the same as a capable support staff, technology can help you when you are doing everything yourself. A solo attorney without support staff should look into an answering service for the telephone. I used one for the first five months and was very pleased with the service. They would answer the phone and immediately contact me by cellular phone if it was a new caller. If the caller was an existing client, they would email my telephone a text message and I could return the call at my convenience. While not nearly as good as having a secretary, they were very helpful, especially when I was in court and away from my office. In addition to the answering service, I recommend using a laptop computer as a way to work both while in the office and at home.

Conclusion

I will close this article in the same way I opened. A solo private practice is not the job for everyone. I recommend anyone thinking about this career choice talk to a number of those who have gone before you to get an idea of the risks and the rewards. After gathering that information, really think about what kind of person you are, and be honest with yourself. If this is not for you, think about what other types of law practice are more suited to your personality. However, if you see the opportunities and can handle the risks, jump in with both feet. I did, and I've never been happier. ◆



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