

Thinking About Going Solo? Do Your Research First

Transitioning from a law firm or law school to a solo practice requires proper planning and preparation. Although law school provides attorneys with the tools to be legal practitioners, it does not prepare lawyers for the business aspects of starting and managing a law firm, especially a solo law practice. This article is intended to be an introduction to various sources that provide guidance on opening and running a solo law practice. Although the article has been written for someone considering solo law practice, many of the sources mentioned include law practice management information that even the most seasoned legal practitioner will appreciate.

A good starting point for someone who is contemplating a transition to solo law practice is Heidi L. Salter-Ferris's chapter in the *Michigan Basic Practice Handbook*¹ titled "Opening a Law Practice." This chapter provides a wonderful overview of the basic practice issues one must consider when starting a new law practice. The advice is concise and practical, and the author has included a variety of forms that may be used during the start-up phases of a law practice.

If you are looking for a more comprehensive discussion of starting and building a solo law practice, there are several books that cover this topic in detail. One is *How to Start & Build a Law Practice*, by Jay G. Foonberg. The most recent version of this text is the fifth edition, which was published in 2004 by the American Bar Association Law Practice Management Section. According to the author, this book is "easily the all-time best-seller of the American Bar Association Law Practice Management Section," which is not surprising. It provides comprehensive, yet fundamental advice on starting and managing a law practice, and the author has made a special effort to make each edition of the

book relevant and timely by including information on various trends in law practice start up and management. Additionally, the book includes an assortment of forms, checklists, and sample documents.

Another book that focuses on starting and managing a law practice is the *Attorney and Law Firm Guide to The Business of Law: Planning and Operating for Survival and Growth*,² by Edward Poll. This book is comparable to *How to Start & Build a Law Practice*, however this text focuses more on the management aspects of running a law firm with special emphasis on financial management, technology issues, and personnel management. Although both books provide the reader with an in depth discussion of starting and running a law firm, *How to Start & Build a Law Practice* was recently revised in 2004 while the *Attorney and Law Firm Guide to The Business of Law* was revised in 2002, so some of the information in this text is a bit dated.

Two books that were written exclusively for solo practitioners are *Flying Solo: a Survival Guide for the Solo Lawyer*,³ edited by Jeffrey R. Simmons, and *How to go Directly Into your Own Solo Law Practice and Succeed: Into the New Millennium and Beyond*,⁴ by Gerald M. Singer. *Flying Solo* is a collection of essays written by various authors. It starts out with an extensive section on making the decision to go solo and follows up with advice on getting started and growing the business, and includes chapters on concluding, selling, and merging a solo practice. The information in this book is realistic and useful, however it does lack some continuity since there is no single author.

Gerald Singer's book *How to go Directly Into your Own Solo Law Practice and Succeed* is another practical guide on starting and managing a solo law practice; however, what sets this book apart from the others is the

author's enthusiasm for solo law practice. Mr. Singer's philosophy is that anyone, even new law school graduates and attorneys with limited financial resources, can start a solo law practice as long as they have the proper motivation (and of course his book).

There are many more print sources on managing and building a law practice that are beyond the scope of this article; however, an extensive bibliography is available on the National Association for Law Placement website: <http://www.nalp.org/refdesk/soloprac.htm>.

Venturing off to a solo law practice can inspire thoughts of Robinson Crusoe—off on an island fending for oneself—however, solo law practice does not have to be an isolating experience. Bar associations provide many opportunities for sharing ideas, gathering information, and developing professional relationships. The American Bar Association's General Practice, Solo & Small Firm (GP Solo) section is an excellent example of how association memberships can enhance the solo law practice. The GP Solo section boasts a membership of over 30,000 practitioners, and provides members with a variety of relevant resources such as subscriptions to various publications, discounts on books and legal research tools, access to various discussion lists, and more. Even non-members can access a significant amount of solo law practice-related information from the section's website: <http://www.abanet.org/genpractice/home.html>.

Another online source for solo law practitioners is a website called MyShingle.com, <http://www.myshingle.com/>. Carolyn Elefant, who has had her own solo law practice since 1993, started MyShingle.com in 2002. The main feature of this website is an interactive blog (discussion forum) that is used to disseminate information and encourage discussion on various solo and small law practice-related topics. The website also

offers guides on starting a solo law practice and includes a selection of links to other law related websites.

Starting a solo law practice is much like starting any new business—there are basic protocols that must be followed and state-specific rules and regulations that should be evaluated before a business can actually open its doors. Although the books mentioned above provide valuable advice regarding the business start-up process, they do not include Michigan-specific information. Fortunately, the Michigan Economic Development Corporation (MEDC) has created a website⁵ that provides prospective new business owners with both general and specific information on starting a new business in Michigan. The website includes guidance on selecting a business structure, financing options, tax issues, and licensing requirements, among other helpful information. Of course the information on this website is not a substitute for actual legal counsel. However, it does

provide excellent advice on the fundamental aspects of starting a new business.

Many non-profit organizations, such as chambers of commerce and educational institutions, provide low cost advice to prospective business owners. For example, the Michigan State University College of Law will be launching a new Small Business & Non-Profit Law Clinic in January 2005. The primary objective of the Small Business & Non-Profit Law Clinic is to counsel small business owners on various legal issues, including business start-ups. For more information about the Small Business & Non-Profit Law Clinic, visit the clinic's informational website at: <http://www.law.msu.edu/academics/ac-exp.html>.

Opening a solo law practice requires an entrepreneurial spirit, but more importantly it requires sound planning and preparation. From the initial decision to go into solo law practice, to accepting that first client, there will always be the need for advice and guid-

ance. Hopefully the sources discussed in this article will be of assistance as you navigate the world of solo law practice. ♦

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FOOTNOTES

1. Ann Arbor, Michigan : The Institute of Continuing Legal Education, 2001.
2. Chicago: American Bar Association, General Practice, Solo and Small Firm Section, 2nd ed., 2002.
3. Chicago: American Bar Association, Law Practice Management Section, 3rd ed., 2001.
4. Danvers, MA : West Group, c2000.
5. <http://medc.michigan.org/jumpstart/combo.asp?ContentId=66F80EF0-4B72-4A73-82A4-8C69D8D45232>.