

A white door is shown slightly ajar, revealing a vibrant green field with yellow daisies. The background is a bright blue sky with scattered white clouds. The overall scene is bright and optimistic.

GETTING STARTED



Considering going into private practice by yourself or with partners? This simple guide can help you discover gold — and not grief — during this wonderful quest.

By David Cook, Cook Collections Attorneys, PLC

When I started out, my boss, a very sharp attorney, told me the following: “Son, you will meet a really smart lawyer who will write and argue circles around you from here to kingdom come; you will find a clever lawyer who will bamboozle the judge, hijack the jury and kidnap lady justice; and you will bump into a really successful lawyer. How do you know that he is successful? The first two guys are his employees.”

The trick in this business is finding success. Everything else follows.

Here is what to do — and not to do:

Make a commitment. Going into private practice is not for the faint of heart, nor is it a half-hearted enterprise. You can spend lots of money, take all sorts of risks and pass up other opportunities — and if you are not committed, go nowhere.

Believe in yourself. Many solo and small firm practitioners apparently lurch from one antidepressant to another from the tone of their voices. Personal enthusiasm is your best sales pitch, and riding the death train into oblivion would drive away even your mother.

A warm and hearty telephone greeting, and first rate phone etiquette, will get you farther than a three-page, single-spaced resume. A referral, ad or chance meeting might kick off the client connection, but the ensuing phone call will close the deal. You have about 30 seconds to make that stranger into your client — 30, and not 31, seconds.

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Bring money to the table. Setting up an office costs big bucks. From buying staplers, copy paper, electronic hardware, insurance, payroll services, cash for case advances, lease deposits and transportation, you can spend \$50,000 without breaking a sweat.

You can save money. Costco and Wal-Mart can source most office supplies; all insurance is highly competitive, and bar association plans sometimes are the best. ADP, and others, will do payroll for pennies; and the 2005 Camry is a great company car. The electronic law library beats out bound books, but remember to negotiate.

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Be a good business person for yourself. Lawyering and business skills are different. Lawyers are risk-averse and problem solvers. Business people are risk takers and indifferent to problems, unless they're impinging upon the opportunity.

Looking to lease office space? Everything is negotiable, and the first offer from the landlord is a test to see if you have a pulse. The lease payment, terms, option to renew, weekend utilities, "pass-throughs," cost escalators and just about every other term is subject to bargaining.

You need a copier? Buy, and don't lease. Leases tend to increase your costs by nearly 50 percent. Copiers, faxes and any other hardware are extremely competitive if you pay cash. Avoid used equipment, but don't be shy about last year's model. Need capital? Go to the bank and get better terms.

Do a good job for your telecommunications and data needs. Tie your land line into your cell phone service and return all phone calls, particularly to clients, within the hour. Responsiveness is line one, paragraph one, page one of your client playbook. All telecommunications contracts are highly negotiable, but are annual contracts.

Do not tie all telecommunications and data services into one supplier. A careless error in failing to pay a bill can shut down your office. Separate providers might cost more, but at least you will not be at the mercy of one provider.

Retain dumb fax machines and a separate phone line. Think of this as insurance.

Remember to become ECF-qualified for nearly every district court. This is a no-cost venture and will help you gain access to a larger realm of cases.

Be a model employer. Remember the Baker & McKenzie partner chasing the secretary around the desk? Remember what that cost them? A lot. Many billable hours (or insurance money) enriched that secretary.

Don't swear, curse, or use any word that exceeds a G rating. Be polite, be clear, put daily tasks in writing, keep a personnel file in a locked safe or offsite, and most importantly, be rid of this person if the relationship craters. Pay all taxes, don't pay in cash, don't socialize, don't confide deep, dark and personal secrets — and don't leave the checkbook around.

Don't let your employees sign any checks, general or trust or otherwise. Unless your employee is Mom or Dad, keep the tightest rein over checks coming and going out. Compare all checks to bills, personally supervise disbursements, and lock up all checks and checkbooks in a safe.

Do buy insurance. Got a client? Get malpractice insurance. Got an employee? Get worker's compensation insurance. Got a premises? Get liability insurance. Got checks coming in the door? Get fidelity insurance. Got a human body? Get health insurance. Got some crazy clients? Get life insurance. Got a little concern that illness might strike? Get disability insurance. Got a life? Get away for a week: Try NYC or London.

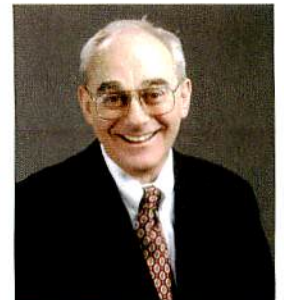
Be a model salesperson. Is the next lawyer better than you? Probably not — and unfortunately, vice-versa. So why does your competitor land the \$3,000,000 brain trauma case, and you are chasing down \$10,000 fender benders?

Do the following. Get yourself a toll-free number. Prospective clients call toll-free numbers first. Think twice about voicemail serving as your initial greeting. You are one of three (or more) attorneys on the client's potential list, and the winner of this beauty contest might be the first person to connect with the client. Your chances are doomed if the attorney who made first contact successfully sold beachfront property in Phoenix.

Install hold music. Decent hold music (think light classical or popular American music) keeps the client on the line rather than cycling to the next phone number.

Design a distinctive Web site. Be clear, direct and unique. Pictures of gavels, courts and tall buildings are all eye glaze. Punch it up. Tell them who you are and what you do, and post your picture. Smile. Smile a lot. Take a picture of you and your dog. Let them connect with you. Put your phone and cell number and e-mail address in large print on the first page.

Got a partner? Get it in writing. What do you call partners lacking a signed cogent partnership agreement? Litigants. ☐



Admitted to the California State Bar in 1974, **David Cook** has been a CLLA member for more than 30 years. Specializing in areas including commercial collections and enforcement of judgments, Cook has also written extensively about credit, Uniform Commercial Code, energy deregulation and other legal matters.

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