How to Start a Law Practice

How to Start a Law Practice

Alexander Y. Benikov



Copyright © 2017 Alexander Y. Benikov All Rights Reserved

eISBN 978-1-5310-0035-6

Library of Congress Cataloging-in-Publication Data

Names: Benikov, Alexander Y., author.

Title: How to start a law practice / Alexander Y. Benikov.

Description: Durham, North Carolina: Carolina Academic Press, LLC, 2016.

Includes bibliographical references and index.

Identifiers: LCCN 2016036254 | ISBN 9781531000349 (alk. paper)

Subjects: LCSH: Solo law practice--United States.

Classification: LCC KF300 .B46 2016 | DDC 340.068/1--dc23

LC record available at https://lccn.loc.gov/2016036254

Carolina Academic Press, LLC 700 Kent Street Durham, North Carolina 27701 Telephone (919) 489-7486 Fax (919) 493-5668 www.cap-press.com

Printed in the United States of America



Contents

Acknowledgments	xi
Chapter 1 · From the Bakery to the Courthouse	3
Why This Book Is Helpful and Different	7
Chapter 2 · Why Should I Listen to This Guy? Does He Know	
What He's Talking About?	9
There Is No Substitute for Experience	10
Chapter 3 · A Few Words on Succeeding in the Legal Profession	13
You Are Responsible for Your Own Success	14
Be Careful Where You Get Your Advice	15
Be Willing to Work for Free	16
Networking and Mentors	17
Chapter 4 · The Legal Profession is Changing	21
Chapter 5 · Should You Start Your Own Practice?	27
Timing	28
Advantages and Disadvantages of Having Your Own Practice	30
Advantages of Working for a Firm and Disadvantages of	
Working for Yourself	33
Chapter 6 · So You've Decided to Start Your Own Practice—	
Now What?	37
Where to Locate Your Practice	37
One Field or Many Fields of Law?	38
Where to Get Money for Your Practice	40

viii CONTENTS

How Much Money Should You Have Before Starting?	42
Solo or Partner?	45
Different Office Options	47
The Traditional Office	49
Working from Home	50
Virtual Office	51
Office Sharing	52
PO Box/Suite	54
Vision for Your Practice	54
Legal Entity Formation	55
Letting People Know You Exist	55
Chapter 7 · How to Make Money	57
Covering for Other Attorneys	57
Contracts	59
Family as Clients	61
Teaching	61
Seminars	62
Writing	63
Building Up Private Clientele	65
Importance of Having Different Streams of Income	66
Should You Advertise?	66
Chapter 8 · Professionalism	69
Negotiating	70
Punctuality and Calendaring	71
Going to Court	72
Dealing with Others in Court	74
Ethics	75
Trial	77
Interviewing and Résumés	79
Constant Improvement and Being Flexible	80
Difference Between Confidence and Arrogance	82
Chapter 9 · Dealing with Clients and Attorneys	85
Clients and Setting Prices	85
Clients, Getting Money Up Front and Collecting Money Owed	87
Fee Agreements	88
Client Management	88
Dealing with Difficult Clients	93

CONTENTS ix

Not Judging Your Clients	94
Clients with Mental Health Issues	95
Too Much Empathy vs. Being Cold/Not Caring At All	95
Dealing with Difficult Attorneys	96
Dealing with People That Don't Like You	97
Chapter 10 · Managing Your Practice	99
Managing Your Money	99
Insurance	102
Files	103
Letterhead, Business Cards, and Websites	105
Business Bank Accounts	109
Technology	110
Motions	114
Expanding: Is Bigger Better?	115
Hiring Staff	118
Management Skills	119
Using Experts	120
Outsourcing	122
Continuing Legal Education	123
Chapter 11 · What No One Told You in Law School (But Should Have	e) 125
A Lot More Gray in Real Life	125
There Is No Safety Net	125
Clients Generally Do Not Care Where You Went to School	126
Likable > Knowledgeable	127
A Frightening Number of Incompetent Attorneys	127
Managing Student Loans	128
Many Attorneys Never Make a Lot of Money	129
Importance of Momentum	130
Haters Hating	130
Developing People Skills/Reading People	131
Knowing How to Sell Yourself	132
There Are Too Many Attorneys	133
Be Careful Who You Talk To	134
Not All Comparable Work Pays Comparably Well	135
Building Relationships Takes Time	136
Make Yourself Irreplaceable	136

x CONTENTS

Chapter 12 · Quality of Life Issues	139
Having Small and Large Things to Look Forward To	142
Finding Balance	143
Saving Your Money	143
Taking Care of Your Health	145
Index	147

Acknowledgments

This book would not have been possible without the help of many amazing people. The first person I have to thank is my amazing wife. She supported my dream when few people did. As I told her on our wedding day, she is my role model. When I was thinking of starting my own practice she was one of the few people who didn't try talking me out of the idea. I also have to thank my parents. I have to thank them for many things, not the least of which was getting me out of the former U.S.S.R. Had my parents not immigrated I would still be living in Russia and my life would be unimaginably different. A big thank you to my whole family is also in order. They have always stood by me and that support has meant the world to me.

A special thank you to Burt Burleson, who was my Law Office Management Professor in law school. He was the first person who got me to seriously think about starting my own practice. Without him I don't know if I would have ever thought about starting my own practice right out of law school. I have to thank Thomas M. Cooley Law School for giving the opportunity to become a lawyer. I also have to thank three amazing college professors that changed the trajectory of my life. Professors Ernie Ettlich, Prakash Chenjeri, and Ken Kempner taught me how to really think, and I will be forever indebted to them.

I also have to thank the many wonderful defense attorneys in Phoenix that took me in under their wing and showed me the ropes and helped me to get on my feet. When I was new to being a lawyer an amazing number of defense lawyers helped me in many different ways. These lawyers showed me the lay of the land and helped me get started. There are too many people to name but they know who they are. The one person I have to mention by name is Jesus Acosta. Jesus was my biggest mentor and I don't know if I would have made it without him.

Lastly I have to thank my amazing publisher, Carolina Academic Press, for taking a chance on my little book.