

How to Start a Law Practice

How to Start a Law Practice

SECOND EDITION

Alexander Y. Benikov



CAROLINA ACADEMIC PRESS

Durham, North Carolina

Copyright © 2023
Alexander Y. Benikov
All Rights Reserved

Library of Congress Cataloging-in-Publication Data

Names: Benikov, Alexander Y., author.
Title: How to start a law practice / Alexander Y. Benikov.
Description: Second edition. | Durham, North Carolina : Carolina Academic Press, 2022. | Includes index.
Identifiers: LCCN 2022040195 (print) | LCCN 2022040196 (ebook) | ISBN 9781531025120 (paperback) | ISBN 9781531025137 (ebook)
Subjects: LCSH: Solo law practice--United States.
Classification: LCC KF300 .B46 2022 (print) | LCC KF300 (ebook) | DDC 340.023/73--dc23/eng/20220924
LC record available at <https://lcn.loc.gov/2022040195>
LC ebook record available at <https://lcn.loc.gov/2022040196>

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

Printed in the United States of America

For My Parents

Contents

Acknowledgments	xi
Preface to the Second Edition	xiii
One From the Bakery to the Courthouse	3
Why This Book Is Helpful and Different	8
Two Why Should I Listen to This Guy? Does He Know What He's Talking About?	11
There Is No Substitute for Experience	12
Learning From the Mistakes of Others	13
Three A Few Words on Succeeding in the Legal Profession	15
You Are Responsible for Your Own Success	16
Be Careful Where You Get Your Advice	18
Be Willing to Work for Free	18
Networking and Mentors	20
Be Patient	23
Four The Legal Profession Is Changing	25
Role of Technology	31
Five Should You Start Your Own Practice?	33
Timing	34
Advantages and Disadvantages of Having Your Own Practice	37
Advantages of Working for a Firm and Disadvantages of Working for Yourself	39

Six So You've Decided to Start Your Own Practice—Now What?	43
Where to Locate Your Practice	43
One Field or Many Fields of Law?	45
Where to Get Money for Your Practice	47
How Much Money Should You Have Before Starting?	49
Solo or Partner?	51
Different Office Options	54
The Traditional Office	55
Working from Home	57
Virtual Office	58
Office Sharing	60
PO Box/Suite	61
Vision for Your Practice	62
Legal Entity Formation	62
Letting People Know You Exist	63
Seven How to Make Money	65
Covering for Other Attorneys	66
Contracts	68
Attending Conferences	69
Family as Clients	70
Teaching	70
Seminars	71
Writing	73
Building Up Private Clientele	74
Importance of Having Different Streams of Income	75
Should You Advertise?	76
Local Sponsorships	78
Reinvesting in the Practice	79
Eight Professionalism	81
Negotiating	83
Punctuality and Calendaring	84
Going to Court	85
Dealing with Others in Court	87
Ethics	88
Trial	91
Interviewing and Résumés	92

Constant Improvement and Being Flexible	94
Difference Between Confidence and Arrogance	95
Nine Dealing with Clients and Attorneys	97
Clients and Setting Prices	97
Clients, Getting Money Up Front and Collecting Money Owed	99
Fee Agreements	100
Client Management	101
Dealing with Difficult Clients	105
Not Judging Your Clients	106
Clients with Mental Health Issues	108
Too Much Empathy vs. Being Cold/Not Caring At All	108
Dealing with Difficult Attorneys	109
Dealing with People That Don't Like You	110
Ten Managing Your Practice	113
Managing Your Money	113
Insurance	116
Files	118
Letterhead, Business Cards, and Websites	119
Business Bank Accounts	124
Technology	125
Motions	129
Expanding: Is Bigger Better?	131
Hiring Staff	134
Management Skills	135
Using Experts	136
Outsourcing	138
Continuing Legal Education	139
Eleven What No One Told You in Law School (But Should Have)	141
A Lot More Gray in Real Life	141
There Is No Safety Net	142
Clients Generally Do Not Care Where You Went to School	142
Likable > Knowledgeable	143
A Frightening Number of Incompetent Attorneys	144
Managing Student Loans	145
Many Attorneys Never Make a Lot of Money	146

Importance of Momentum	147
Haters Hating	147
Developing People Skills/Reading People	148
Knowing How to Sell Yourself	149
There Are Too Many Attorneys	151
Be Careful Who You Talk To	152
Not All Comparable Work Pays Comparably Well	152
Building Relationships Takes Time	153
Make Yourself Irreplaceable	154
Twelve Searching for “More” Clients Reaching the Right People	157
<i>Joe Evans & Chris Carroll, Lab Coat Marketing</i>	
Specializing in an Area of Law	158
Setting Short- and Long-Term Goals	158
Developing Your Value Propositions	159
Determining Your Law Firm’s Brand	160
Focus on “In Market” Consumers	162
Building a Professional & Unique Website	162
Building Marketing Funnels	163
Setting an Advertising Budget	164
Generating and Managing Reviews	165
Conducting Opportunity Analysis	166
Ongoing Experimentation	166
How to Manage It All	167
Thirteen Quality of Life Issues	169
Having Small and Large Things to Look Forward To	172
Finding Balance	173
Saving Your Money	174
Taking Care of Your Health	175
Index	179

Acknowledgments

This book would not have been possible without the help of many amazing people. First, I 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. My parents brought me from Kiev, Ukraine, when I was eight years old and always made sure I had everything I needed to succeed. 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 peo-

ple 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.

Preface to the Second Edition

The first edition of this book came out in 2017, so it has been five years. In those five years I have learned a lot as a lawyer and as a law firm owner. I have also had time to think about how I could improve on the original version of this book. While I am proud of the first edition, I think the second edition builds on the first and will be more useful to anyone who is thinking about starting their own law practice or who has already done so.

There are many small sections that I have added to the second edition. There are new sections on conferences; alternative ways of generating income, building reputation, paying off student loans, and reinvesting profits; and having a career plan, along with several other new sections. The biggest change to the second edition is the addition of an entire new chapter on online marketing and online brand management. I did not devote enough space to this area in the first edition and that mistake has been fixed. I think in 2022 it is impossible to build a practice without understanding websites, online marketing, online reviews, and other issues dealing with the internet.

Starting and building a practice is incredibly difficult, but I think the payoff is worth it. I know it has been for me ever since I started my own practice in 2009. I hope the information contained in this book will inspire, motivate, encourage, and guide anyone thinking about starting their own practice.

Alexander Y. Benikov
Scottsdale, Arizona, 2022

