

How to Survive and Thrive as a Small or Solo Practitioner

According to a 2008 report by the Office of Attorney Ethics, there were over 85,000 registered attorneys in New Jersey. Of those attorneys who identified themselves as working in private practice, 58 percent worked at firms of five attorneys or less.ⁱ

Whether the undertaking of this career path was a necessity or personal choice, almost 20,000 colleagues are in the same position. Success is determined by your ability to “make it” or survive in this environment. The good news is, that by keeping in mind some key points, you can do more than survive, you can actually *thrive* in your small or solo practice.

1. **Develop and maintain a healthy work/life balance.** Incorporate it into your business plan. It is that important.
 - a. According to David L. Gates, in his 2009 article *The Families of Solos and Small Firm Practitioners*,ⁱⁱ “Whatever stress we experience in our professional lives, that stress echoes throughout our family system. It is impossible for those around a lawyer to be unaffected by the schedules, conflicts, and stress that practicing law entails.”
 - b. Carve out dedicated time for family, friends, and especially yourself. It can be as simple as driving your kids to school each morning, having a cup of coffee with your partner or sitting through a song you love, allowing that time to be free of checking your blackberry. Make that time be about that moment only. Enjoy it, breath deeply and recognize when you need more of it!
 - c. Be careful of distractions and set time to work. A contributing factor to burnout is a constant “switching of gears”.ⁱⁱⁱ You will do enough of that within your practice; try to keep non-law related issues off the table while you are at work.
2. **Set appropriate boundaries.**
 - a. Decide ahead of time the cases you will take and the ones you will not, based on your experience and level of comfort with various aspects of the law.
 - b. Develop a client’s bill of rights so that they know what to expect and what not to expect from you. In doing so, keep in mind the responsibilities you have according to the law, and recognize the feelings and concerns that are not your responsibility. A healthy attorney knows when the client’s problem is truly the *client’s problem*.
 - c. Set up and scrupulously maintain your Trust Account! See NJ RPC 1.15(a)^{iv} and *In re Wilson*, 81 N.J. 451 (1979).
3. **Establish or join a group of peers for support, networking and mentorship.**
 - a. Surround yourself with other lawyers that you trust and respect. Know their area of expertise. Reach out to them when you have questions, ask for feedback or need to simply talk to someone who understands.
 - b. Harness the power of many! Join the Bar on any level (county, state, ABA); all have tremendous resources for their members! Entities such as

these help you stay connected, save money with group discounts, and keep you up to date on important issues and developments in your area of law. Joining sections and committees, and volunteering to become more involved also benefit you in terms of networking and battling the isolation that can accompany the small and solo law practice.

4. **Prepare.** Death, disability, acts of God – it is your responsibility to exercise due diligence.
 - a. Read Lloyd D. Cohen’s article “Being prepared for unexpected events.”^v
 - b. Download “*Ethics Checklist for Small and Solo Firm Practice*”^{vi} by the ABA Standing Committee on Professional Discipline.
5. **Respond.** Non-responsiveness is the number one reason clients file complaints about attorneys.^{vii}
 - a. Return all client calls in a reasonable amount of time. 48 hours is a good rule of thumb, problem clients included!
 - b. Handle all mail as it comes in. Open, sort, prioritize and respond!
 - c.

The practice of law is a highly stressful, demanding work environment. Additional pressures of balancing competing demands and responsibilities as a small or solo practitioner can increase the intensity. At the same time, the unique benefits of this career path can be enriching, fulfilling and rewarding.

Article written by Denise Golonka, MA, LAC, LCADC, Program Clinician, New Jersey Lawyers Assistance Program, For a complete list of resources to help you survive and thrive in a small or solo practice, visit the small or solo practice section of www.njlap.org.

ⁱ State of New Jersey. Office of Attorney Ethics. *2008 State of the Attorney Disciplinary System Report*. Comp. Charles Centinaro and Rabner Hon Stuart. Office of Attorney Ethics. Web. 13 May 2010. <<http://njcourts.judiciary.state.nj.us/web0/oea/index.htm>>.

ⁱⁱ Gates, David L. "The Families of Solos and Small Firm Practitioners." *GP Solo* Oct.-Nov. 2009. Print.

ⁱⁱⁱ Gates, David L. "The Families of Solos and Small Firm Practitioners." *GP Solo* Oct.-Nov. 2009. Print.

^{iv} New Jersey Judiciary. *Rules of Professional Conduct*. Web. 13 May 2010. <<http://www.judiciary.state.nj.us/rules/apprprc.htm>>.

^v Cohen, Lloyd D. "Being Prepared for Unexpected Events." *GP Solo*. American Bar Association. Web. 13 May 2010. <<http://www.abanet.org/genpractice/magazine/2009/octnov/>>.

^{vi} *Ethics Checklist for Small and Solo Firm Practitioners*. Center for Professional Responsibility. American Bar Association. Web. 13 May 2010. <<http://www.abanet.org/cpr/solo.html>>.

^{vii} Batchelor, Cydney. "Disciplinary Actions - When Bad Things Happen to Good Lawyers." *GP Solo*. American Bar Association. Web. 13 May 2010. <<http://www.abanet.org/genpractice/magazine/2006/oct-nov/disciplinaryactions.html>>.

Stek, Nancy. "Stress-Hardiness " *New Jersey Lawyers Assistance Home Page*. Web. 13 May 2010. <<http://www.njlap.org/AboutStress/StressHardinessfullarticle/tabid/83/Default.aspx>>.