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Surviving and thriving in the midst of a recession

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I've said it before and I'll say it again: The times they are a-changin' and lawyers aren't immune from the global economic restructuring now underway.

Average citizens are worried about losing their jobs, keeping their businesses above water and making mortgage and car payments. Money is tight and people are spending less.

Low on their list of priorities is shelling out money to lawyers for routine legal matters. Chances are, if a situation arises for which legal counsel may be warranted, they'll no doubt attempt to handle it themselves.

I don't think I need to tell you that's not good news for the lawyers who prefer to continue doing business as usual.

With the large amount of law-related information available online, including an increasing number of Web sites offering free legal forms, potential clients no doubt will find it far easier to muddle through a legal matter than they did in the past. With the click of a button, from the comfort of their own home, they can download wills, contractual agreements and more.

What's a lawyer to do? How can we compete with the do-it-yourself mentality?

Those who are insistent upon continuing to practice law as it's been done for the last 100 years won't be able to compete. The recession has drastically changed the playing field and those who refuse to acclimate will see their law practice sink like a stone. More innovative and adaptive lawyers will swim speedily toward the finish line.

Of course, the question remains: How does our profession adapt?

I've given that a lot of thought. I don't have all the answers, but have come up with what I believe is a feasible idea that some lawyers — especially those who have been practicing for a few years — might want to try.

Innovative lawyers can create a niche practice by becoming, in essence, "general counsel" for the average citizen.

For a monthly fee, perhaps \$200 or \$300, you would be your client's

"go to" attorney. Clients would sign a contract that delineates the types of matters the "general counsel" agreement incorporates, such as one real estate closing per year, drafting one will or changing an existing will annually, and drafting other routine documents, such as a power of attorney, a living will, etc.

You, as the attorney, also agree to answer preliminary questions regarding more complex matters and either draft a separate retainer agreement for the matter, should you choose to handle it, or refer it to another attorney in the community.

In other words, the attorney also would serve as a conduit to the legal community. For example, if you preferred not to handle criminal matters, your clients nevertheless would have someone to call when invoking the right to counsel. You could advise them not to speak to the police, then contact a criminal defense attorney on their behalf.

Such practice would provide a reliable client base and a predictable flow of income, which could be supplemented through handling other types of more complex legal matters under separate retainer agreements.

Another element to a successful general counsel practice would be the creation of a strong online presence using blogs and social media. Once accomplished, referrals from lawyers throughout the country undoubtedly would follow. You could handle those matters that interested you, and refer the others. Lawyers in your community would begin to appreciate the value of your practice and the referrals, perhaps in turn referring their clients to your "general counsel" practice.

Granted, the idea is a diamond in the rough and such a practice must comply with applicable ethics rules, but I truly believe it has the potential to provide resourceful lawyers with a way to stay afloat in the volatile and changing legal landscape we now face.

Lawyers need to think outside of the box in order to survive and thrive in the upcoming year. Those who choose to do so will not regret it.

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