

Legal Research and Writing Services

By Lisa Solomon

Imagine a practice area that combines intellectual stimulation with flexible hours, a comfortable income, and the ability to work with—and for—colleagues who truly appreciate the work you do. Contract lawyering—specifically, a practice that is limited to performing legal research and writing for other lawyers—is all of that, and more.

Most lawyers who focus on legal research and writing don't limit themselves to appeals but work on cases at the trial court level as well. Other common projects include ghostwriting articles and editing briefs.

The “tools of the trade” couldn't be simpler, and you probably have them already: a computer (a laptop is helpful if you want to have a “mobile” office, but it's not required); high-speed Internet service; and a phone. The only necessary tool you may not already have is a subscription to an online legal research service.

Although free or low-priced legal research services (such as Casemaker, Fastcase, Loislaw, and VersusLaw) may sound attractive, none of them has the coverage you can get from Lexis or Westlaw. Because a legal research plan is central to the services you provide, an investment in the broadest Lexis or Westlaw plan you can afford is well worth the money. To get the best deal, actively negotiate with both companies; commit to a three-year contract (if possible); and sign your contract at the end of a quarter or (even better) at the end of the year, when the reps are particularly motivated to meet their sales goals. And check with the ABA and local bar associations for member discounts.

Aside from your legal research subscription, malpractice insurance will probably be your single largest expense. Although most malpractice policies will cover you in your role as “of counsel” to the attorney for whom you are working, not all lawyers carry their own malpractice

coverage. Additionally, your own malpractice coverage can help ameliorate the risks engendered by the facts that you haven't screened the individuals or companies on whose behalf you're working and you don't make the ultimate strategic decisions in the cases you're working on.

Because most of the work is solitary, you have a lot of control over when you do it. This flexibility makes a legal research and writing practice perfect for parents.

The predominantly “virtual” nature of the practice means that you're not limited to a local client base: With the many available methods to network online, you can land clients who practice clear across the country nearly as easily as those who practice across the street. Because, by definition, you are always working under the supervision of the attorneys who hire you, you can assist lawyers in jurisdictions where you are not admitted without running afoul of prohibitions against the unauthorized practice of law.

In some ways, a legal research and writing practice is easier to market than other kinds of practices. For example, because your clients are other lawyers, all of your bar association activities—from chairing committees to attending CLE courses—expose you directly to your target market. Additionally, although in the past many lawyers were hesitant to outsource core functions such as legal research and writing, the market is maturing, and it is becoming easier to find lawyers who are comfortable with the concept. To learn more about marketing this type of practice, read “How to Market a Legal Research and Writing Practice to Other Lawyers,” a chapter in the GP/Solo publication *How to Capture and Keep Clients*.

A lawyer who focuses on legal research and writing should have a strong grasp of grammar, rhetoric, and the effective use of authorities. For continuing professional development, I follow a few excellent blogs, including Ray Ward's “the (new) legal writer” (www.raymondppward.typepad.com/newlegalwriter) and “Wayne Schiess's legal-writing blog” (www.utexas.edu/law/faculty/wschiess/legalwriting). For a more scholarly take on the subject, I subscribe to the *Legal Writing Journal* through the Social Science Research Network (www.ssrn.com) and receive the *Scribes Journal of Legal Writing*, courtesy of my membership in Scribes (the American Society of Legal Writers, www.scribes.org). GP/SOLO

Lisa Solomon is a sole practitioner in Ardsley, New York, whose practice is limited to performing legal research and writing for other lawyers on a contract basis. To read her published articles on appellate practice, visit her website at www.questionoflaw.net or e-mail her at lisa@questionoflaw.net.