

The Lawyer You Always Wanted to Be

Inspiration for New Grads and Practicing Lawyers,
Volume II

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By Carolyn Elefant
Solo by Choice: How to Be the Lawyer You Always Wanted to Be
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Trust yourself
and believe.
Whatever
happens, don't
give up.

--William Kamkwamba, TED
Talk: How I Harnessed the
Wind (posted at
MyShingle.com, 11/30/2009).

Have you lost faith in the legal profession?

As we enter the first decade of the 21st Century, the legal profession is changing at a rapid pace. Big law is crumbling. Unemployment is rampant. Practicing lawyers are burdened with six figure student loan debt. Routine legal services are being outsourced or automated by technology.

And yet, in the midst of this turmoil, there's never been greater opportunity so long as we lawyers keep in mind the reasons that drew us to this profession: To serve clients. Solve problems. Facilitate economy. To do justice. Like the first volume of this e-book, this second set of collected posts from MyShingle will remind you of, and inspire you to become the lawyer you always wanted to be.

If solo practice can help a guy who spent twelve years in prison build a productive and satisfying life out of total ruin, then maybe, it could do the same for you

Posted by Carolyn Elefant,
MyShingle.com, 11/9/2009.

Second Chance Solo

What would you do if you were exonerated after spending twelve years in prison for a crime you didn't commit? Would you spend the rest of your days justifiably bitter, complaining about the injustice of a legal system that could convict an innocent man?

Or would you feel gratitude towards those lawyers who helped to vindicate you and decide to become one yourself.

Wisconsin attorney [Christopher Ochoa](#) chose the second option. Though Ochoa initially considered working as a prosecutor (to prevent baseless cases like his from ever going to trial), following graduation, he struck out on his own as a solo. Before long, Ochoa found that his practice had blossomed into a "full blown criminal law practice."

Starting a law firm gave Christopher Ochoa a second chance to reclaim his life. If solo practice can help a guy who spent twelve years in prison build a productive and satisfying life out of total ruin, then maybe, it could do the same for you

Because what the
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after day, year
after year.

Posted by Carolyn Elefant,
MyShingle.com, 4/28//2009.

Solos and the Power of Showing Up

[...]I must confess that many days, serving clients, arguing cases or striving for excellence just doesn't hold a candle to the sexiness of being a thought-leader, a trend-setter or an innovator. So that's why I found a recent talk by Elizabeth Gilbert, author of *Eat, Pray, Love* so inspiring. Gilbert is grappling with the thought that moving forward as a writer, she may never match the success of *Eat, Pray, Love*, a debilitating thought that makes it tough to get up in the morning. At the same time, Gilbert recognizes that she's a writer and she's incapable of giving up her life's work. So Gilbert finds solace in the power of just showing up to write every day. And if the gods of creativity show up as well, then it's an added bonus that's beside the point.

Gilbert's words ring true for those of us who practice law, particularly solos. Because what the best of solos do best is simply showing up, day after day, year after year. By showing up, we can make a client's life a little less stressful. We can change a judge's perspective or reverse an injustice. We can keep a family in their home or help a client get a fresh start. Most importantly, we keep the wheels of our judicial system turning by ensuring that access to justice isn't determined solely by access to huge amounts of money. So to my fellow solo and small firm colleagues, keep on showing up every day. It may not seem important and it sure isn't trendy, but wow, how it matters.

...all you have to do is take the leap of faith and get started and down the road in six or eight months, you will very likely find that you're not just playing the role of a solo, but that you've really, truly become one.

Posted by Carolyn Elefant,
MyShingle.com, 4/22//2009.

If You Play the Part of A Solo Long Enough, You Can Be One

[...]I don't buy the concept that certain lawyers are inherently cut out for solo practice. Instead, the very act of starting a practice profoundly changes us, so much so that we become the kind of lawyer we never dreamed we could be....

Life changes us; it's a basic fact. Some of us can't imagine ever being monogamous until we get married and then the thought of cheating never occurs to us again. Or we can't ever see ourselves cleaning dirty diapers or joyfully waking up at night to feed the baby, but when the time comes, we do it. We'd never write off a life experience because we think that we're not suited for it.

So why do we indulge those thoughts when it comes to our careers? Trust me, even if you believe that you're not suited to start a law firm, you don't have to change and you shouldn't avoid solo practice because of it. Instead, all you have to do is take the leap of faith and get started and down the road in six or eight months, you will very likely find that you're not just playing the role of a solo, but that you've really, truly become one.

Still, if I know anything for sure, it's this: that I could do it again if I ever had to. If my clients fire me tomorrow, if my phone doesn't ring, I know that I have it in me to start all over again. And once you start your own firm, you'll realize that as well. . . .

Posted by Carolyn Elefant,
MyShingle.com, 2/1/2009.

The Economy Scares Me, But I Know Something You Don't

If you are a lawyer [in this down economy], I know that you are terrified right now. . . . Guess what? The down legal economy scares me too, at least part of the time. That's probably the last thing that you wanted to hear. After all, I've had my own firm for 15 years and I've been singing the praises of going solo for years. If being solo in this economy frightens someone like me, what hope is there?

Plenty, if you're willing to think about starting your own practice. Because if you're able to muster the gumption or nerve or whatever you want to call it to birth a new practice out of the ashes of your career, you realize that you can always do it again. When you start your own firm, you discover a survival instinct in yourself. You find an invincibility that you never knew you had, because frankly, it never mattered as you dutifully plodded along the path [working at a firm] you were supposed to take...

Don't get me wrong. Starting a firm isn't a panacea in these troubled times. Running a law firm is a risky business. As a solo, from the day I opened my doors, I always knew that I could lose everything the next...Still, if I know anything for sure, it's this: that I could do it again if I ever had to. If my clients fire me tomorrow, if my phone doesn't ring, I know that I have it in me to start all over again. And once you start your own firm, you'll realize that as well. Perhaps you will fail, but more likely, you'll succeed beyond your wildest dreams. But either way, once you learn first hand what other solos and I have, your life will never be the same.

...in many cases, just like Ginger Rogers, we solos do everything that biglaw does, only backwards (in that we're often on the other side of the issues), in high heels (in that we often teeter precariously as we strive to get the most out of our clients' more limited budgets) and with real live human beings to whom we're accountable.

Posted by Carolyn Elefant,
MyShingle.com, 1/11/2009.

Solos Do Everything Backwards, Only in High Heels

Many large firms assume, wrongly, that solo and small firm lawyers don't handle complex issues. Truth is, many of us do. But unlike biglaw which has the luxury of researching and strategizing about these issues in a vacuum, we solo and small firm clients do all that, plus tend to our clients' needs.

Consider the emerging litigation arising out of Madoff's Ponzi scheme. At least a half dozen large firms have created practice areas to assist clients impacted by Madoff's fraud. However, while large firms are targeting and will likely represent the big fish -- the large, institutional investors or banks who put money in Madoff funds and now face liability for failing to exercise due diligence -- solos are representing [Madoff's individual victims](#). In representing either large banks or individual investors, lawyers will tackle incredibly complicated issues such as unraveling complex transactions or developing viable defenses to liability or [theories of recovery](#). But whereas biglaw's job ends with the legal issues, as the [Florida Business Journal](#) reports, solos are also helping clients with the personal carnage of Madoff's misdeeds [helping clients find jobs and cheaper homes and cope with depression over loss of a life savings]

In many ways, biglaw is like Fred Astaire - both great at what they do. But don't forget, in many cases, just like [Ginger Rogers](#), we solos do everything that biglaw does, only backwards (in that we're often on the other side of the issues), in high heels (in that, we often teeter precariously as we strive to get the most out of our clients' more limited budgets) and with real live human beings to whom we're accountable. Can't get much more complex than that.

But perhaps other lawyers...will take a moment to flip a few pages forward in the *ABA Journal* and see that outside the darkest tunnel, there's a whole world of lawyers who exist outside biglaw and even though for many, it's a last resort, the last place on earth they imagined they'd wind up, perhaps it's not such a bad place to be.

Posted by Carolyn Elefant,
MyShingle.com, 11/12/2009.

The Page Between Biglaw and Solo Practice

Even though I reside in Maryland and practice appellate law in Washington D.C. just like appellate lawyer Mark Levy, the former [Kilpatrick Stockton](#) attorney [who took his life after his firm downsized](#), our paths never crossed. As a biglaw attorney and a small fry in a town like Washington D.C., lawyers like Mark Levy and I travel in different circles, attend different conferences and represent different types of clients. Yet in an odd turn of circumstances, our worlds nearly collide this month in November's [ABA Journal](#), which reports on Mr. Levy's tragic suicide in this article and interviews me (for a piece on solo practice)

I'm certain that many of Mr. Levy's colleagues at the big firms where he worked throughout his career wouldn't have expressed any curiosity about my career. Most likely, if we'd met, they'd tolerate a polite handshake before hightailing over to someone more important, or even ditching me to chat with a close colleague whom they just saw a few days earlier....

These days, the arrogance of many biglaw attorneys no longer offends me or hurts my feelings as it did fifteen years ago when I was starting out. What bothers me more is biglaw attorneys' utter lack of curiosity about how the other side of the bar lives, and indeed, the unbearable obliviousness to any aspect of law practice that doesn't involve big law. Because it's those attitudes that leave lawyers like Mr. Levy feeling as if they have no alternatives - that unless they practice at a big firm, they simply don't count as a lawyer....

In death, just a few pages separate my story in the *ABA Journal* from Mr. Levy, just as in life, roughly eight blocks separated my D.C. office from Kilpatrick Stockton's D.C. location. Yet despite the short geographic distance, Mr. Levy was never able to cross the abyss that separated my world from his. But perhaps other lawyers like him will take a moment to flip a few pages forward in the *ABA Journal* and see that outside the darkest tunnel, there's a whole world of lawyers who exist outside biglaw and even though for many, it's a last resort, the last place on earth they imagined they'd wind up, perhaps it's not such a bad place to be.

But the day I opened the doors to my law firm, I forever liberated myself from this type of stunted social environment that (that exists in law firms).

Posted by Carolyn Elefant,
MyShingle.com, 3/15/2009.

How Your World Opens Wide When You Start a Law Firm

Back when I worked for others, my social interactions were remarkably stratified. As an associate or a newbie government lawyer, I spent lunches and breaks palling around with other junior lawyers who occupied the same lower tiers of the employment hierarchy as I did. My sole social encounters with partners or superiors came during polite conversations at the holiday party or at awkward lunches, designed more to discuss my performance than to get to know each other. But the day I opened the doors to my law firm, I forever liberated myself from this type of stunted social environment.

When working for others or socializing in law school, we often gravitate towards those in our age group, professional level or practice area - a propensity that artificially limits the scope of our social contacts. But when you start a firm, you're defined not so much by your age or practice area, but rather, your status as founding partner and business owner. As a result, the range of social possibilities magically expands - a twenty five year old solo just out of law school now holds business partnership in common with the senior partner at the largest firm in the city; a lawyer running his or her own firm now shares the same interests in running a business as accountants, engineers and small business owners.

Most lawyers who work for others often feel that they're limited professionally by the types of low level assignments relegated to them. But what you've probably never considered is how socially stifling a professional organization - particularly one as hierarchical as a law firm - can be. It's not until you leave your job and begin by necessity assembling your own [human back up](#) that you realize just how much you've been missing.

Most the problems that we solos see day to day won't be resolved through creation of an important precedent that's imprinted in some court reporter. But every day, we leave our imprint on the human heart, in a way that counts so much more than we could ever realize

Posted by Carolyn Elefant,
MyShingle.com, 12/1/2009.

What We Do Matters: A Reminder from the Last Lecture

Across the nation, hundreds of solos talk to their clients -- breaking bad news, explaining how the law works or offering suggestions on how to handle a divorce or fight a trumped up criminal charges or save their home from foreclosure. Nothing precedent-setting or earthshattering, nothing sexy or high profile. But incredibly important nonetheless, as a passage from now deceased Professor Randy Pausch's book [The Last Lecture](#) recently reminded me.

[Randy Pausch](#) was a computer science professor who, after being diagnosed with pancreatic cancer, delivered a moving last lecture on achieving your childhood dreams. In his book, Pausch describes the moment that his doctor told Pausch and his wife that his cancer was fatal:

I felt incredibly impressed -- awed really - the way Dr. Wolff was giving the news [of the fatal diagnosis] to Jai [Pausch's wife]. I thought to myself: Look at how he's doing this. He's obviously done this so many times before, and he's still good at it. He's carefully rehearsed, and yet everything is still so heartfelt and spontaneous. I took note of how the doctor rocked back in his chair and closed his eyes before answering a question, almost as if that was helping him think harder. I watched the doctor's body posture, the way he sat next to Jai. I found myself almost detached, thinking: "He isn't putting his arm around her shoulder. I understand why. That would be too presumptuous. But he's leaning in, his hand on her knee. Boy, he's good at this.

There was nothing Pausch's doctor could do to alter the inevitable outcome: no treatment or heroic surgery to suggest. But what mattered to Pausch wasn't what the doctor could or couldn't do, but how he delivered that news to Pausch's wife. Pausch's insight reminds us that what we do as lawyers matters, whether we think it does or not. The way we treat our clients, the tone in which we communicate and the respect that we give to their problems which may be mundane to us but are important to them -- all of this makes a difference. Most the problems that we solos see day to day won't be resolved through creation of precedent that's imprinted in some court reporter. But every day, we leave our imprint on the human heart, in a way that counts so much more than we could ever realize.

If you believe that starting your own law firm can help you or someone you know find satisfaction in the law or enable you to become the lawyer that you dream of being, please consider purchasing a copy of *Solo by Choice: How to Be the Lawyer You Always Wanted to Be*, available at lawyeravenue.com and amazon.com

Also, please keep visiting MyShingle.com and consider signing up to read the site via email or RSS subscription. And watch for the relaunch of our site, coming very soon!