



Thoughts on a Lawyer's Entrepreneurial Imperative

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Recently, there was an exchange of blog posts between Jay Shepherd at [Above the Law](#) and Carolyn Elefant at [myShingle](#), taking different views on the imperative of lawyers going solo in a jobless environment. On one hand, Jay argues that the only relevant question to a would-be solo is:

Do you want to run a business, or do you want to practice law?

He contends that if your answer is you want to practice law, then don't hang a shingle because:

[you will] find [yourself] in the worst possible job [you] could imagine: working as an underpaid wage slave for a complete idiot of a boss. ([Yourself].)

In other words, the labor-intensive process of business management will make you miserable, when all you really want to do is try cases. His response to the lackluster job market? Just keep looking.

His views certainly have merit. No one is very good at doing things they don't like to do. Running a law (business) practice is no small order, so if your performing it poorly, things could get bad real fast.

On the other hand, Carolyn expresses her concern that:

... Jay's advice will deter from solo practice many really good lawyers who simply don't view themselves as business people. Moreover, his advice is particularly dangerous in the current economic climate where jobs are scarce, and many graduates with law degrees may not have the option of finding a job no matter how long they look. Thus, they may settle for doing document review or leave the law entirely, instead of taking a shot at starting a firm – which can better position them to find a job if that's what they eventually decide to do.

Her position is that as long as you have a passion for practicing law, you can find a way to make your venture successful and accomplish your goal of practicing law. (Reading of her own journey into solo practice by "force of will," I have a new-found understanding of her determination to meet issues head-on.) Carolyn, too, echoes the voice of reason.

It occurs to me that this issue has never arisen before because law practice, unlike the business marketplace, has always been a necessary service. In fact, law firms traditionally do quite well in times of financial trouble, since when people lose money, they tend to squabble about it. This recession, however, has not left the legal profession unscathed. There is a significant backlog of unemployed lawyers, with more flooding the pool every year. It is a unique time in the profession's history and as such, calls for unique assessment and conclusions. The mantra of thinking out of the box is not simply a play on words here. Since we live in an entrepreneurial

world (lawyers are not the only ones in need of creativity), there may be a few ways to ameliorate the downside of being a business owner.

- **Find a partner.** If you don't want to take this business venture on alone, there are plenty of unemployed lawyers wandering around the country who may be better at doing this entrepreneurial thing than you are. Find them. There are now more legal networks, meet-ups and ways to connect than ever, and social networking is the way of business world. And there is another advantage our predecessors did not have: your partner doesn't even need to be in your jurisdiction. Create a virtual firm where two or more lawyers operate in their own jurisdictions, but under one umbrella.
- **Use technology.** Virtual law office and practice management systems are becoming so sophisticated they can do just about everything except appear in court for you (and unless it's a really important motion, there are audio and video systems for that). Use their functionality to run your practice, eliminating the need to perform business routines manually.
- **Hire virtual assistants.** Outsource business tasks to those who do them routinely and do them well. This removes the headaches and costs of hiring employees, and minimizes your management responsibilities.
- **Start small, and keep it simple.** Give yourself time to learn how to use all those fun tech tools and research your purchases and outsource providers carefully. Taking your time in the beginning, and perhaps expanding over time, will eliminate lots of headaches down the road if you jump into contract with a person or tech vendor that ultimately doesn't work for you. Yes, this requires thought, but I'll never believe you can't do it. Anyone who has the guts and the brains to get through law school and pass a grueling three-day bar exam can certainly make a few decisions about the environment he/she wants to work in, and how to create it. So you're not writing your first U.S. Supreme Court brief. You wouldn't be at biglaw down the street, either. Believe me.

Yes, being entrepreneurial is an imperative, and anyone who needs to work is coming to grips with it. I've identified a few ways to make that burden lighter – I hope they help! If you have more ideas to make the ride easier, we'd love to hear them.