

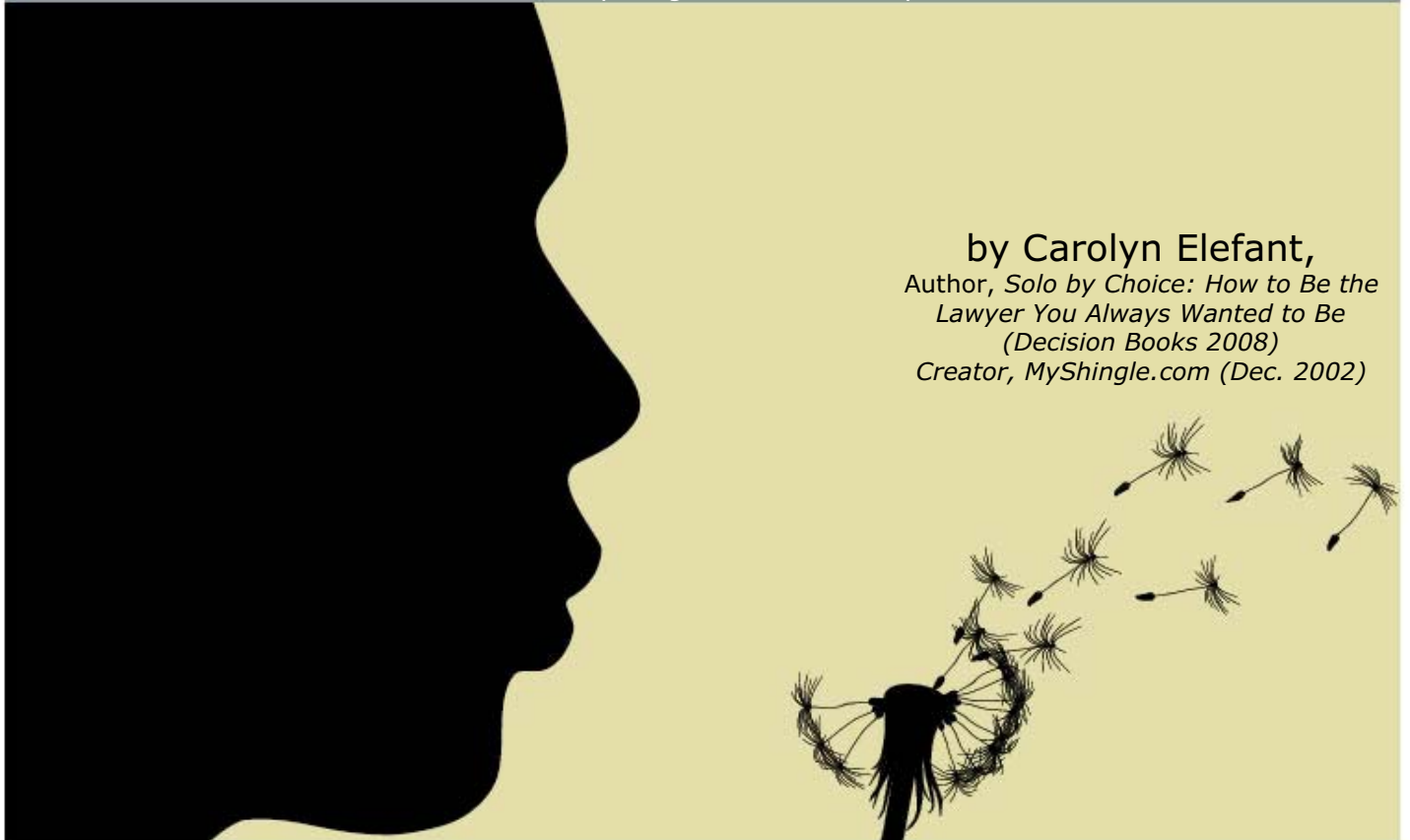
The Lawyer You Always Wanted to Be

Inspiration for New Grads and Practicing Lawyers
Collected from MyShingle.com and Solo by Choice

by Carolyn Elefant,

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Lawyer You Always Wanted to Be*
(Decision Books 2008)

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Whether you graduate law school this month or you've been practicing for decades, whether you have no idea what our future holds or you despair that you've lost your way, this collection of posts will remind you of, and inspire you to become the lawyer you always wanted to be.

--Carolyn Elefant, May 2008

Are You Living the Life You Imagined?

“Back when you were in law school, you had dreams...”

Solo By Choice - Prologue

Back when you were in law school, you had dreams. Maybe it was standing before a jury, passionately arguing on behalf of a desperate client or winning an appeal that would link your name to a new legal precedent or pulling off an 11th hour deal that would give your struggling technology client a life-saving infusion of capital.

But what happened? Here it is two, five, eight, years out of law school – maybe more, maybe less – and most of those dreams are unrealized: – You work 60-hour weeks in BigLaw, researching narrow legal issues for clients you never met, toting a partner’s briefcase to court and watching him argue a motion you drafted nights and weekends, and which you *know* you could argue better given the opportunity. – Or, you’re a government prosecutor or Justice Department attorney whose litigation experience is the envy of your large-firm colleagues, but where the work no longer challenges you and you can’t move up any higher without political connections. Or, you were let go from a firm because you weren’t *partnership material*, and now you’re temping at document-review jobs that barely pay the bills. Or, you enjoy your work but you’re plagued with guilt about leaving your children with a nanny four days a week.

Of course, your own situation might not be all this grim, but you’re still haunted by the thought there ought to be greater satisfaction practicing law. Believe me, there is.... More and more lawyers – from new grads to senior lawyers colliding with mandatory age policies are giving the most serious consideration to opening their own shop because of changes in the legal environment. For example: Institutional clients are thinking twice about retaining large firms because of the explosive growth of large law firms and the increase in fees. BigLaw mergers favoring larger, more lucrative clients are sending smaller clients into the arms of solo or small firms. The diversity requirements of corporate clients is creating new opportunities for women and minority-owned firms. Technology has made it cheaper than ever to start a law firm and to build a marketing platform. And in an entrepreneurial age, solo practices are more often seen now as start-ups with a potential of enormous success.

So, maybe the practice of law hasn’t turned out for you the way you dreamed. What are your options now? You can stay put and, like so many other lawyers, rationalize that no job is perfect and that financial security trumps youthful aspirations. Or, if you’ve already been fired from one firm and can’t find work – or you haven’t been able to find a law firm job after graduating – you could leave the law altogether, always wondering whether you might have become the lawyer you envisioned as a first-year law student. Or you could take a third path. Realize that no matter what stage you’re at in your legal career, it’s not too late to follow your heart. Once upon a time, Thoreau wrote, *Go confidently in the direction of your dreams. Live the life you imagined.* Maybe starting a solo law practice is the path you were intended to take all along.

Loving the Salad Days

Starting A Law Firm - The Time of Your Life

Posted on February 20, 2008 by Carolyn Elefant

Terrifying. Scary. Frightening. Those words describe horror movies, but you've probably heard them quite frequently from others in reference to what it feels like to start a law firm. And in part, that's true. Because starting a firm is scary -- particularly when you don't have a single client, you don't know whether you'll make any money, can't figure out what practice areas you want to handle or you have no idea how to draft a complaint or how to get a motion on the court calendar.

And yet, at the same time, there's nothing quite like those first few months of getting a law firm off the ground: the heady feeling of building something that doesn't exist, the thrill you experience the first time you introduce yourself to "your client" and the wild optimism you feel once you take charge of your destiny.

Hugh MacLeod of Gaping Void says "savor obscurity while it lasts." He writes:

The funny thing is, when you hear the "rock stars" talk about their climb to the top, the part they invariably speak fondest of, is not the part with all the fame, money and parties. It's the part BEFORE they made it, back when they were living in a basement without electricity and "eating dog food, back when they were doing their breakthrough work. Back when they were young, and inventing a new language to speak to the world with. More importantly, back when they were young, and inventing a new language other people could also speak to the world with...[But] It's hard to invent a new language when a lot of people are already heavily invested in your work [including yourself].

For those of you struggling through your own salad days, just remember...this is the time of your life!

"There's nothing quite like those first few months of getting a law firm off the ground: the heady feeling of building something that doesn't exist...and the wild optimism you feel once you take charge of your destiny"

Surround Yourself With Support

“You need to seek out supportive, go-getting, self-starters if you're thinking about starting a practice or if you already run one. Doesn't matter if they share your practice area or if they're 20 years older or younger than you, but just that they share your drive and optimism.”

What Lawyers Can Learn From The Recent Obesity Study

Posted on July 26, 2007 by Carolyn Elefant

As you've probably heard on the news by now, turns out that obesity isn't exclusively hereditary; it's also socially contagious (US News, 7/25/07). A recent study to be published in the New England Journal of Medicine suggests that if you're close friends with people who are obese, you're more likely to gain weight yourself either because you adopt the same unhealthful lifestyle, you don't feel as much pressure to stay thin in front of an obese friend or you alter your perception of acceptable appearance when you see that your friends have gained weight.

All very interesting, but what does a study about obesity have to do with solos? Plenty. The study reinforces a basic concept: that our behavior, action and self-worth are affected significantly by those around us - even to the point where we compromise our health and well being. And we solos and aspiring solos, independent and bold as we may like to believe, are not impervious to this phenomenon. Thus, much as we believe in our ability to start and run a successful practice, if we surround ourselves with naysayers, we may begin to have doubts. And if we've already got a pretty decent practice up and running, we're more likely to look down on our accomplishments when colleagues belittle solos.

So just as you may want to seek out fit people if you're trying to lose weight, you need to seek out supportive, go-getting, self-starters if you're thinking about starting a practice or if you already run one. Doesn't matter if they share your practice area or if they're 20 years older or younger than you, but just that they share your drive and optimism. And fortunately, with blogs and listserves, this kind of supportive crowd is only an internet connection away.

The Role of Desperation

Are You Desperate Enough to Succeed?

Posted on December 22, 2005 by Carolyn Elefant

Desperation isn't the greatest trait to display if you're trying to meet a mate. But if you want to succeed in starting a law firm, desperation, or more accurately, the willingness to do something absolutely desperate to bail out a case or save your firm can serve you well. I was reminded of the power of desperation when I read this article about a woman who dove into a disgusting fast food dumpster to salvage her thesis. Yes, she should have had a back up copy so the mess was partly her fault anyway. But sometimes in the practice of law, things go wrong despite our best efforts: a client may neglect to tell us a critical fact until the eve of trial or a major client that accounts for a huge portion of our business may choose another lawyer or our practice area may dry up due to regulatory or legal changes. Any of these events can put us in a desperate situation from which it seems there's no escape.

We can allow our desperation to overcome us - or like the dumpster-diving grad student, we can use our desperation to overcome our circumstances. It's been my experience that the lawyers who've got it in them to take the latter path almost always succeed.

"We can allow our desperation to overcome us - or we can use our desperation to overcome our circumstances."

The Value of Trying Something New

"I realized that most legal procedures can make the most capable of our clients feel stupid, just like building a house made me - an experienced lawyer - feel like an utter clod."

Do Something You Stink At...And Become A Better Lawyer

Posted May 15, 2007 by Carolyn Elefant

Yesterday, I spent a beautiful Saturday outdoors, helping to build a house with Habitat for Humanity as part of a pro bono service project. I'm not much of a crafty person, so not surprisingly, I was fairly inept at my assigned task - helping to build the frame for a house. I bent nails, broke them trying to remove them, misaligned the pieces of the frame and didn't even know the proper terminology for the various components. Needless to say, I lagged behind everyone, embarrassed and frustrated trying to get my nails into the board while the others on the team stood around waiting. Fortunately, the Habitat people were incredibly patient, waiting quietly as I finished my tasks and encouraging me along.

On the way home, I got to thinking that the way that I felt on that construction site must be how many of our clients feel in the litigation process. Like me, our clients our competent people in their own right, thrown into a world which is foreign to them and which they don't comprehend. Just as I didn't understand the importance of a perfectly aligned triple board, and grew impatient about having to always stop and even it out, most of our clients don't understand why they need to respond to an interrogatory in a certain way, or answer a deposition question or not talk to so-and-so or why the process takes so long. So these clients call or email to ask questions or complain...sometimes a lot. And though we often mock these clients, or grow impatient with them, we sometimes forget to consider that perhaps, they're just struggling to grasp a process that's second nature to us lawyers.

After yesterday, I realized that most legal procedures can make even the most capable of our clients feel stupid, just like building a house made me - a lawyer with 19 years of experience - feel like an utter clod. We should remember that the next time we get impatient. And every so often, we should go out and do something publicly at which we're completely inept, be it constructing a house or swimming laps or taking a knitting class - to remind ourselves of how our clients feel, and to figure out ways that we can help them through.

The Late Bloomer

"For you lawyers who think it's too late to make something of your career, remember the geniuses who took a long time to figure out their way..."

In praise of the late bloomer

Posted on July 17, 2006 by Carolyn Elefant

If you sometimes feel a little down that you haven't yet hit your breakout career stride or left your mark on the law, then check out this article, *What Kind of Genius Are You?*, David Galenson, *Wired* (7/06) (hat tip to Arnie Herz at Legal Sanity). As Herz summarizes, Galenson describes two types of geniuses:

The first type he calls conceptual innovators. These people "make bold, dramatic leaps in their disciplines. They do their breakthrough work when they are young." On the other end of the creative genius continuum are experimental innovators who, "like Auguste Rodin, Mark Twain, and Alfred Hitchcock proceed by a lifetime of trial and error and thus do their important work much later in their careers."

I know that solo practice has lots of late bloomers, lawyers who never found a niche at biglaw or other permanent employment or lawyers for whom biglaw simply wasn't big enough to accommodate big ideas on how law ought to be practiced. And after spending years wasting away, they now blossom at solo practice. For you lawyers who think it's too late to make something of your career, remember the geniuses who took a long time to figure out their way - and remember that solo practice is always an option where you can bloom, no matter how late in the season.

Before It's Too Late

What If You Never Leave...

Posted on May 5, 2005 by Carolyn Elefant

This sad story, [Lawyer, 35, Dies After Winning Swimming Race](#), New York Lawyer (5/5/05) drives home the importance of following one's dream. The article reports that Brendon Wen, a young attorney and solo criminal practitioner, died of heart failure after winning a masters race with his best time ever. But the article also described Wen's career, how he left an established law firm in 2001 to start his own solo criminal practice where he tried 40 cases because he "missed the rough-and-tumble of criminal cases," a colleague said (Wen had previously been a public defender). What if he'd never left?

What mark do you want to leave in the law? What kind of lawyer do you want to be remembered as? And is your present career taking you in that direction? We should never think it's too early, or get too busy to ponder these questions - because we never know how much time we'll have to fulfill our dreams.

“What mark do you want to leave in the law? And is your present career taking you in that direction?”

“Do you have your own four p.m. in your life, an uncompromisable commitment that you abide no matter the cost? And if you don’t, why not?”

What Matters

Posted on August 31, 2005 by Carolyn Elefant

At four p.m., my workday ends, at least until late at night. Four p.m. is when I leave the house to pick up my daughters, nearly 6 and 9 from the bus stop around the corner. I walk them home and we talk about their day. The older one generally blurts out a million events a mile a minute while the younger one needs a little more prodding. Some days they're grouchy or tired and don't say much; some days they're angry that I didn't bring the car or cook the dinner that they wanted. I have my own practice so that four pm is mine. Sure, there are days every so often when I'm delayed downtown or have a lengthy deposition where my husband or mom have to step in for pick up instead. But in general, the four p.m. deadline is etched in stone, it's one of those aspects of my practice that I'm committed to not compromising. And because I'm committed, I've been able to make it happen.

Four p.m. until 8:30 when my daughters go to bed is a fairly long time, long enough for them to get bored if they don't have an after school lesson that day or for me to get tired shuttling them around if they do. Long enough that much of our time together is quantity time rather than quality time with all kinds of creative activities programmed in. Long enough to sometimes even make me wonder whether at their age, I even need to be home for them at all. But then I remember that the reason that 4 pm is so important isn't because my girls need me every day, because they don't. Rather, it's for that one day every so often that they might want to confide about a bully or a friend who was mean or a teacher who was unfair and if I'm not there on standby everyday, I'll miss out when they need me most. Do you have your own four pm in your life, an uncompromisable commitment that you abide no matter the cost? And if you don't, why not?

The Mark We Leave Behind

Don't Be An Empty Suit

Posted on December 8, 2005 by Carolyn Elefant

.This month's issue of my law school alumni magazine includes Amie Ely's (Cornell Law '05) convocation speech entitled *In search of Truth and Justice - Without Becoming An Empty Suit*. The speech describes Ely's own personal quest for truth, as she sought to uncover the story behind her father's murder in 1979 and his killer's eventual acquittal, and justice, in embarking on a career in law to change or improve the system that failed her family. But more powerful than Ely's personal journey is her reminder to all of us of our responsibility as lawyers:

At the same time, law is built on what came before it - on precedent. And so are we. Without knowing where we've been, we can't chart where we're going. Without remembering what drew us to the law, and feeding that fire no matter where we go, we risk losing a sense of purpose, of urgency and of grace[...] We matter. In our hands, we will soon hold other people's lives and hopes, and their last chance for justice. Let's hold on to what brought us here, honor what came before us and do all that we can to never become empty suits.

Have you fulfilled what you set out to do when you graduated from law school? Are doing work that makes a difference? Or are you simply shuffling papers, generating heaps of billable hours and biding your time in a job that can be performed by any other suit? Maybe you started out with the best of intentions but somehow lost your way. If any of these apply, consider Ely's words and maybe you'll be inspired to make your future different.

"Are you doing work that makes a difference? Or are you simply shuffling papers...biding your time in a job that can be performed by any other suit?"

"Don't waste effort seeking certainty or waiting for the right time...not only does surety always elude you but in focusing on it with spotlight intensity, you miss the best part of the journey: living the questions."

Excerpts from Letter to A Young Lawyer

Posted January 12, 2008 by Carolyn Elefant

Two final pieces of advice. First, don't waste effort seeking certainty or waiting for "the right time" - whether it's the right time to change a job, start a law firm or get married or start a family. Not only does surety always elude you, but in focusing on it with spotlight intensity, you miss the best part of the journey: living the questions, as Rainer Marie Rilke writes in his Letters to A Young Poet (this is my very favorite passage):

You are so young, so much before all beginning, and I would like to beg you, dear Sir, as well as I can, to have patience with everything unresolved in your heart and to try to love the questions themselves as if they were locked rooms or books written in a very foreign language. Don't search for the answers, which could not be given to you now...because you would not be able to live them. And the point is, to live everything. Live the questions now. Perhaps then, someday far in the future, you will gradually, without even noticing it, live your way into the answer.

Second, always remember that you are a part of a profession that pays homage to precedent. That doesn't mean we're bound by old ways, but rather, that we have the ability to create new approaches with lasting effects. New ways of doing business, of achieving justice, or serving clients. As a lawyer, you have an opportunity to leave your own personal mark on the law that will remain long after you're gone. Don't waste it.

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, consider purchasing a copy of *Solo by Choice: How to Be the Lawyer You Always Wanted to Be*. *Solo by Choice* makes the case for why lawyers at any stage of their career can benefit from starting a law firm and offers 300 pages of practical advice on how to leverage 21st century trends like alternative billing, outsourcing, social networking and technology to start and run a cutting edge practice.

And even if you don't intend to start a firm right now, *Solo by Choice* includes information on choosing a practice area, building client relationships and marketing that can lawyers gain direction and establish themselves within a law firm.

Solo by Choice can be purchased at Amazon.com, BN.com and DecisionBooks.com.