



IS SOLO PRACTICE THE RIGHT CHOICE FOR YOU?

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The decision to go out on one's own should only be made after an introspective analysis. Some people spend years in decision-paralysis. Those who eventually pull the trigger and go out on their own often regret waiting so long. A small percentage wind up miserable and make a course correction.

What are the considerations? It's important to do a thorough analysis, but you should know what questions to ask of yourself. I have lost track of the number of attorneys I have assisted in this regard. And I have followed the resulting career changes. So I am confident that I'm very helpful in identifying key issues to consider.

My problem in wanting to put the guidance in writing for those of you considering a change to or from solo practice, is that making the decision is a journey. Depending on answers to key questions, you may change direction, which will make other questions or important next considerations moot.

For those people who have either clear, or limited options when starting their career, it can take years to revisit the "what do I want to be when I grow up?" question. The simple truth is that if you are happy with what you do, and you're good at it, you may never question whether you should explore other options. It's only when there are significant areas of dissatisfaction or concern that people start to ask themselves, "Is this as good as it gets?" Typical causes of dissatisfaction include compensation, firm management, workload, poor prospects for partnership, personality conflicts and so forth.

Yes, sometimes someone makes an offer that cannot be refused. And an attorney will decide to leave not because of dissatisfaction, but because something better presents itself.

For the rest of you, the first key question to ask is why are you thinking about a change? Are you trying to get away from sources of dissatisfaction? Are you seeking to create a different environment in which you feel you will be happier? Is there an opportunity? Write down all the issues. More autonomy? Keeping more of the money you earn? Having a culture you find more desirable? Being able to make

better management decisions? Getting away from politics and difficult situations?
Delivering client service by your own standard of excellence?

Once you've identified all the reasons you're aware of that are motivating you to make a change, it's time to explore the downsides. Remember, there are two sides to each coin. When you change to or from a solo environment, there will be both positives and negatives. What are the negatives? Having to do the day-to-day management? Putting your dollars at risk? Not having guaranteed compensation? Rainmaking? Longer hours? Lots of non-billable time? Losing that benefit package? Not having people down the hall when you want to bounce ideas around?

Take family, friends and colleagues into consideration. Going from a guaranteed salary and benefits to an unpredictable compensation may not play out well with your spouse, especially if you are the sole wage earner. Friends may not be as supportive of your schedule as you think. Colleagues may consider you competition after the change and be less collegial.

At some point you need to get down into the weeds. How will you make a living? Who will be your ideal clients? What competitive edge do you have that will differentiate you from others looking to serve the same clients? How will you market to them? Who will be your ideal referral sources? How will you develop them? What will the related costs be?

What type of office and technology will you need? What will be the operating costs, and can you afford them? Do you have sufficient cash reserves to live on until your compensation becomes stable? Do you have sufficient start-up cash or can you obtain a large enough line of credit to survive the first year? Can you afford to buy your own medical insurance? Can you sufficiently service clients without staff, and if not, how much staff will you need and what will it cost? How much risk are you willing to take?

The answers to these questions are all necessary to build a business plan. The plan must incorporate financial, marketing, technology and management considerations. It's really just a feasibility study to make sure that you don't fall flat on your face if you do decide to change.

To this point I have mostly focused on the path from a firm to a solo practice or a spin-off from a larger firm to a small boutique. But there is frequently movement in the other direction, from solo to a larger firm environment. In this instance some of the desired positives might be a lessened administrative burden, more assistance with marketing, steadier income, better benefits, collegiality and so forth. The downsides will include things like meetings, loss of autonomy and control

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of decision-making, increased accountability, processes and procedures to learn and follow and so forth.

In my experience, attorneys who have been solos or practiced in small firms which are more like solos sharing space and overhead than a true firm, find the transition to a larger firm environment much more difficult than expected. It's hard for a true solo to give up autonomy, be held accountable to rules set by others and to compromise with others for the good of the firm rather than the individual.

Bottom line? If you're wrestling with this type of decision you are well advised to think it through out loud with someone experienced in such matters who you can trust. As you proceed, write the questions and answers down. Consider whether you need a coach or consultant to spend a few hours helping to make sure you thoroughly explore your idea. Solo or small firm practice isn't for everyone. But if it's for you and you *don't* do it, you will regret it.

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