LAW PRACTICE MANAGEMENT FOR SOLO PRACTICES AND SMALL FIRMS

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I. INTRODUCTION

Congratulations on opening your own law office! It will be challenging, maddening and rewarding (hopefully). Like any business, it requires hard work and patience, especially during start-up and economic down turns. This outline provides an overview of the issues faced by most small and solo practices.

II. STARTING UP

Small offices run the gamut from new lawyers with no experience to veteran practitioners striking out on their own. Regardless, each faces similar challenges. For the new lawyer, simply identifying a practice area can be overwhelming. More experienced attorneys, of course, may be transitioning their existing practices to a smaller setting. Regardless, there are issues common to all attorneys.

You have to consider the business entity you'll use. The common ones are:

A. Professional Service Corporation

B. Professional Limited Liability Company

C. Partnership

D. Sole Proprietorship

Each has its own advantages and disadvantages. Understand the tax treatment of each and how each operates as a business.

III. OFFICE SPACE

You'll need an office, and the options are dizzying. Everything from working out of your house to Class A commercial rental space is a possibility. Be practical and set your ego aside.

Then again, maybe you don't need an office. Virtual offices are on today's cutting edge, but most lawyers still want – and even need – office space. Despite today's technology, the attorney-client relationship remains a personal as well as a business one. The vast majority of lawyers still require traditional office space.

For the newly-minted attorney, economics will – and should – dictate the decision. Renting or purchasing high-end commercial property makes little business sense when you have no income or track record upon which to base the decision. More experienced lawyers should have an understanding of their income potential and make judgments accordingly.
Commercial real estate often carries a high price tag requiring multi-year lease commitments. As confident as you may be about your new law practice, your lessor will be more dubious. Prepare to personally guarantee any lease for your firm. The same holds true for leased equipment like copiers and phone systems. This can be especially daunting for new or inexperienced attorneys.

Because of the expense, office sharing arrangements are often preferable. In the typical office sharing set up, several attorneys work out of the same office space, sharing expenses such as utilities, common areas and a receptionist. This offers several advantages:

- **Lower Rental Expense**
  
  It is difficult to find small space for solo practitioners. Office sharing allows you to rent only what you need.

- **Reduced Overhead by Sharing Common Areas (Copier, Kitchen, Filing, Etc.) and Support Staff Help**

- **A More Professional Setting**

These arrangements take many forms. Remember – you are a lawyer. The arrangement should be in writing and contain at least the following details:

- **Term**
  
  In these arrangements, you may be able to negotiate shorter term lease obligations.

- **Common Employees**
  
  The most common example is a receptionist. On whose payroll is the employee? Who is responsible for payroll and other taxes? How are the expenses determined and by whom? These are just a few of the questions.

- **Common Areas**
  
  Clearly define your rights and responsibilities regarding common areas such as lobbies, rest rooms and storage areas. These can be hidden expenses.

- **Maintenance**
  
  Understand your obligations regarding maintenance of the space. HVAC, plumbing and electrical repairs are expensive.

Special care must be taken to protect client confidences in office sharing. There is no ethical prohibition against attorneys sharing receptionists or other employees as long as client confidences are protected. Bear in mind, however, that you are not in partnership with the other attorneys. Sharing of paralegals,
secretaries and other support staff should be avoided. Also, you do not want to unwittingly assume responsibility for a shared employee. Kentucky Supreme Court Rule 3.130(5.3) imposes ethical responsibility on supervisory attorneys for the conduct of non-lawyer employees.

There is no "one size fits all" arrangement for office space. Under some circumstances, office sharing may not be desirable. For example, more experienced attorneys may not need – or want – to share space. The most expensive space is not necessarily the best. Before paying for a prestigious address or the curb appeal of your office, consider whether that is a good investment. You should also consider your future plans. If the space is barely adequate for your needs, your lease will constrain any growth.

Purchasing an office condominium or a building can be a good investment; however, this may be beyond the means of a new lawyer. Ownership carries with it added responsibilities of maintenance and related expense. Carefully consider whether you can afford this investment.

IV. STAFFING

You have your office. Now, you need employees. You'll need a receptionist, a secretary, an IT person and an errand runner. While you're at it, go ahead and hire another lawyer to help you. You're all set. You're also probably doomed before you start.

Controlling overhead is a challenge in any business, and you are running a business. It is axiomatic that payroll is the first place to look when trying to reduce expenses. Whether a small firm or a solo practice, you must earn a decent living. It is easier to reach that goal when one reduces the amount of time he or she must work simply to pay the bills.

Here is the rule for staffing: Start slow and stay lean. With every hire, consider whether this person fills a real need and adds value. Younger attorneys, for example, often need no secretarial help beyond filing skills. There is a drastic difference between the pay for an experienced legal secretary and a person whose skills are much more basic. Add employees as the need arises. A bloated payroll is never good, but it can be especially crippling to a new or small business.

V. TECHNOLOGY

The technology available to a law practice is vast and ever-changing. Whether you are tech-savvy or a Luddite from an earlier time, technology is a must. It is beyond the scope of this presentation to examine the myriad options available. Below are a few of the considerations:

A. Research

Law offices evoke images of libraries and book-lined walls. Today's law office is much different. The need for books and other publications is largely a thing of the past. Depending on your practice area, online
research vendors can customize a virtual library to suit your needs. WestLaw, Lexis and the Kentucky Bar Association's CaseMaker will cover most research needs.

B. Bookkeeping

Accounting software makes the business side of the practice much easier for today's attorneys. Software runs the gamut from basic bookkeeping to custom software for law practices.¹

C. Payroll

Most accounting software also includes payroll service. This allows you to process payroll in-house rather than pay an outside payroll service.

D. Document Storage

Along with rendering the traditional library obsolete, technology has revolutionized file storage. Paperless law practices are becoming more common as files are stored electronically. Whether stored on a firm's own server or in cloud storage, firms now utilize virtual files as part of everyday practice. A word of caution: Paperless practices must be confident in the back-up of these files. Redundant back-up is a must.²

Regardless of the technology used, outside maintenance services are a must, with the exception of situations where the attorneys themselves are techies. It is unlikely that most small firms can afford the added expense of an in-house IT employee. Outside of this option, there are two basic types of service:

• Managed Services

Under this approach, you contract with an IT firm to provide 24/7 monitoring of your firm's computer system. This provides the advantage of detecting – and remedying – problems before they become acute plus round the clock service. The disadvantage is that this may be cost prohibitive for small firms.

• Break-and-Fix

This is the more common arrangement for small offices. The IT firm is used on an as needed basis to address issues as they arise. This is less expensive than managed service but also less comprehensive. Often, the firm will not use these services until a significant problem arises.

¹ Appendix 1 contains a list of some of the available software programs.

As with any office expense, you have to tailor these services to your needs. Around the clock IT services are typically not necessary in a small firm. Consult with other small firms in your area to see what services best fit your needs.

VI. CLIENTS

Of course, you'll need clients. Hopefully, you have considered your practice area before setting up shop. Regardless, here are some practical do's and don'ts to consider.³

DO: Evaluate your potential client and the case. Not every client is a good one. The same goes for cases.

DON'T: Let money cloud your judgment. A bad client is bad, regardless of the money.

DO: Find out your client's objectives.

DON'T: Make unrealistic promises.

DO: Get paid.

DON'T: Work for people with a poor history of paying.

DO: Be willing to learn new skills.

DON'T: Take on work for which you are not qualified.

These are just a few of the considerations. One great plus of a small practice is flexibility. Small firms can be more creative on fee arrangements than large firms. This can create new opportunities for your practice.

Although the many issues involved in marketing are beyond the scope of this presentation, "selling" your practice is a constant task. New lawyers should develop contacts with other lawyers as referral sources. Even experienced attorneys may need help with marketing. Consult similar firms in your area about how they have approached business development. Professional marketing assistance is always available but carries a high price tag in most markets.

VII. THE BUSINESS OF LAW

As a lawyer, you are a professional, and the practice of your profession is not necessarily dictated by business concerns. In addition to pro bono work, attorneys volunteer their time for bar association and other civic activities. None of these obligations should be ignored, even when focusing on profit. That does not mean that profit motive is irrelevant.

"Profit" is not a dirty word, despite the perception among some that lawyers are simply out for money. No business lasts long without a profit motive. Likewise, no

³ Appendix 2 contains the author's thoughts on turning down work.
attorney can effectively practice his or her profession while weighted down by a floundering business. The business of your practice may not be your number one priority, but it should rank very high on the list.

There is a great temptation to turn the business side of the practice over to employees. After all, you are a lawyer and want to devote your energies to your clients. A dependable office manager can be invaluable, but the business of your practice must rest in the hands of an attorney. Every small office should designate a partner to oversee the business of the firm, including:

A. Check Writing/Bank Authorization

Whether you pay bills by check or electronically, an attorney should be involved in the bill paying process. An attorney signature on all checks is advisable as is requiring a partner’s approval for any electronic bank transfers.

B. Payroll

A start up firm likely has a small payroll. Become familiar with the payroll process, especially withholding taxes. Rather than use an outside payroll service, you may want to handle the payroll in-house to save expense.

C. Taxes

Be familiar with your firm's tax obligations. Payroll, property, local, state and federal taxes are all part of your business. Even if your firm uses an outside service, be familiar with the liabilities.

D. Expenses

Although it may be impractical to be involved in the day-to-day expenses such as office supplies, monitor these expenses periodically. Major purchase (i.e., capital purchases) should be approved by a partner.

E. Accounts Receivable

Understanding your receivables is crucial to evaluating the financial condition of your firm. The older receivables get, the less they are worth. You should develop a good understanding of the "turn" of your accounts receivable (i.e., the average time it takes to collect). With that, you can estimate future cash flow.

A hands-on approach provides safeguards against employee theft and wasteful spending. It also protects against potential liability. For example, under the Internal Revenue Code, the IRS may pursue individual company officers if withholding taxes are not timely paid to the government. 26 U.S.C. §§3101, 3012, 3402, 3403, 6672, 7501. This liability extends to any individual responsible for the payment. 26 U.S.C. §§6671(b), 6672. Even if a company is a victim of embezzlement, a "responsible" person must see to it that the withholding is paid.
See Jenson v. U.S., 23 F.3d 1393 (8th Cir. 1994). Familiarizing yourself with these and other obligations limits your exposure.

F. Your firm’s trust account requires special attention. Almost any bank can set up an IOLTA\(^4\) account for you. In fact, your bank probably knows much more about these accounts than you do. Educate yourself. The first step is to become familiar with your jurisdiction’s relevant ethical rules. In Kentucky, Supreme Court Rule 3.830 governs the Kentucky IOLTA Fund, while Rule 3.130(1.15) addresses the safekeeping of client property. Here are five basic pointers for handling your trust account:

1. Client money goes in the trust account, whether it is an unearned fee, settlement proceeds or an advance for an expense. Do not commingle client funds with your firm’s general bank account.

2. Unearned fees go in the trust and stay there until earned. For example, a client pays you an advance on your fees of $2,000. Until you have earned those fees, do not take them out of the trust account.

3. An attorney always signs trust checks. No exceptions.

4. Balance the account with every bank statement, but no less than monthly.

5. Keep your clients informed. Your client should be aware of every transfer to or from the account. If you have applied part of the funds to your earned fees, send a statement showing the transfer.

Reported decisions are rife with attorney discipline related to trust accounts. [See, e.g., Kentucky Bar Ass’n v. Leksen, 424 S.W.3d 421 (Ky. 2014) where reciprocal suspension was imposed for multiple charges related to trust account handling.] You do not want this kind of publicity.

G. Debt must be closely monitored. For most startup firms, some debt is unavoidable. Controlling that debt may spell the difference between success and failure. Unfortunately, every bad thing you have been told about debt is probably true.

Obtaining credit may be difficult with an unestablished practice; however, most banks will consider a line of credit for their customers. You will likely need credit, but **DO NOT**:

1. Borrow more than you need.

   Just because you qualify for a $250,000.00 loan doesn't mean you need that much.

\(^4\) Interest on Lawyers’ Trust Account.
2. Pay yourself with a loan.

Loans should cover startup expenses and capital. Do not pay yourself with a loan.

3. Borrow to pay your taxes unless it is for a very short term.

Satisfying your tax obligations by saddling your business with long-term debt is a recipe for disaster.

Treat loans as income. In other words, borrow for specific needs (i.e., capital costs) not to increase your firm's cash.

VIII. CONCLUSION

It is easy to find resources describing the nuts and bolts of setting up an office. Indeed, you may well find authorities contradicting what you've read here. Everyone, though, should agree that we do not abandon our common sense. Toward that end, here are five practical pointers:

A. Fear Not

Running a small firm requires a certain leap of faith. You must be willing to leave your fear at the door step.

B. Talk to Other Lawyers

Attorneys are usually very helpful in offering their experience in running small and solo practices. Seek them out.

C. Keep Learning

You will make mistakes. Learn from them. Read all you can on law office management and keep reading.

D. Have Fun

There is a lot of stress in running any business, but there is a lot of reward, too. Enjoy your successes. As far as your failures are concerned, see C above.

E. Leave the Office

At the end of the work day, turn off your computer and go home. Many attorneys seek to avoid the pressures of the "big firm" atmosphere only to get consumed by small firm pressures. Working around the clock is just as bad in a small firm as in a large one. Work is work. It is not your life.
APPENDIX

Software Research – Time Keeping, Billing, Time Management, and Docket/Calendar Management

**AbacusLaw**
http://www.abacuslaw.com/
Promotional Summary: Time, billing, trust accounting, general ledger, payroll, accounts payable & receivable, check writing, financial statements, plus fully integrated calendars, court rules, auto-fill court PDF forms, cases, conflicts, contacts, dockets, docs, emails, files, instant messages and more. AbacusLaw Gold: Enter data once and use it in every way possible. No more duplicate entries or needing to use multiple systems. Browse our site, schedule a live demo or call us today.
Price: Quote request available online

**Amicus Accounting**
http://www.affinityconsulting.com/store
Promotional Summary: This powerful time, billing and accounting software package combines legal accounting and billing into one application.

**Billing Tracker Pro**
http://www.billingtracker.com/
Promotional Summary: BillingTracker Pro is time and billing software for attorneys in small firms (up to twenty-five users) and solo practices. BillingTracker Pro is easy to use, yet fully featured: Hourly, flat-rate, retainer, and contingency billing are standard. It also includes a built-in timer, accounts receivable, multiple reports, and professional invoicing – everything you need to manage your legal billing.
Price: $179.00

**Credenza**
(Works out of Microsoft Outlook)
http://www.credenzasoft.com/overview.html
Price: $9.95 per user, per month

**Gavel**
http://www.gavel.software.informer.com/
Promotional Summary: Manage all aspects of a legal practice. Includes customer records, case management, time and billing, document management, expenses, invoices, payment tracking, reminders system, client server based on MS SQL Server, web interface for clients to follow their account, contact history, automatic billing system. Training videos will have you fully trained in thirty minutes. Telephone support is provided by a New York law firm. $100 per month, no initial outlay required. Customizable software.
Price: $100 per month

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5 This appendix was originally published for the presentation titled "Managing a Small Legal Practice" at the 2013 Kentucky Bar Association Annual Convention. It is reprinted here with permission.
Tabs3 Billing Software
Promotional Summary: The most award-winning software in the industry has been helping law firms bill smarter for over thirty years. Track your time, create statements, allocate payments, and run client status reports with just a few clicks. Get your bills out faster and increase your productivity. Order a free trial or sign up for a live demo today! Tabs3 Financial Software integrates with Tabs3 Billing Software to manage your law firm's finances and save you hours of data entry. Financial programs include General Ledger, Accounts Payable and Trust Accounting.

Worldox
Some 3,000 law firms and legal departments of every size and specialty use Worldox, making it one of the world's top legal document management solutions. Worldox has earned virtually every key award in the legal technology field, from Law Office Computing's Readers' Choice Award to TechnoLawyer's Favorite Document Management Solution; for four consecutive years it has won Law Technology News' Award for Document Management.
Price: ~$400

PCLaw® Manages Your Practice, So You Can Practice Law
Promotional Summary: Powerful, Flexible and Easy-to-Use with a Thirty-Day Money-Back Guarantee
PCLaw® 10 is an easy to use foundational solution for managing matters, helping ensure compliance with trust accounting rules, tracking time and expenses, billing, payroll and more. PCLaw is a flexible tool fine-tuned for law professionals, and is the most widely used practice management software in North America.
Join 30,000 firms just like yours who trust PCLaw to manage their practice! Pricing for PCLaw starts at $950, but varies based on the number of licenses and add-on features, custom training, or support.
I'm a lawyer. I really am. I have been for twenty-six plus years. I've always been able to attract clients and must have done a competent job for most of them since I've had a lot of repeat business. This doesn't make me an expert on business development, as we call it. Honestly, I'm not sure how best to go about that. Moreover, the legal world is chock full of advice on building your practice, marketing and generating new business. It's doubtful that I have much to add to that vast sea of information, or misinformation, as the case may be.

I once worked in a law firm that was concerned to the point of obsession about generating new business. "Origination" was the term they used. If one "originated" enough business, he or she became a "rainmaker," the most valuable of all lawyers, regardless of legal acumen or lack thereof. The rules regarding origination credit were Byzantine and ever-changing. For example, you might think you deserved credit for a new client, only to find out that aged partner had represented an employee of the company on a DUI many years ago. Thus, he was entitled to the credit. After all, he had planted the seed decades ago. As one of my partners once noted: "The Origination rules aren't written down. That's understandable since they change every day."

Although I have created my share of personal marketing plans, I claim no expertise. I've thought both outside and inside the box. I've been proactive. I've networked. I've schmoozed and small-talked. I've even found time to practice quite a bit of law. None of this sets me apart from other lawyers.

The one area where I believe I have something to contribute is in turning down business or knowing when existing business is turning sour. For a long time, I wasn't good at this, much to my chagrin. Now, though, I know the red flags that warn me to stay far away from a potential client or to at least understand my situation. I'll share a few of those with you.

I. PRIDE GOETH BEFORE A FALL

At least that's what it says somewhere in the Bible. It doesn't really apply here, but I like saying it. Any the who, it goes without saying that we don't want to represent folks who will refuse to pay us. Now, this is different from a client who suddenly can't pay. I've represented several clients – individuals and companies – who sank into dire finances during my representation of them. This is a professional risk. It's happened to some of my favorite clients.

The ones I'm talking about are the ones who won't pay. Here's a bad sign: You are the third lawyer they've hired on a particular matter. This is a person who doesn't play well with others. Just as important, this person has had bad relationships with other lawyers. Why? It probably has something to do with

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6 The author published an earlier version of this article at http://thetrivialtroll.com/2013/12/14/a-lawyers-guide-to-turning-down-work/.
money. Ask this potential client if he owes the other lawyers money. If the answer is "yes," run! A client that will stiff one lawyer will do it to you. At least ask for an upfront deposit against your fees. If they aren't willing to invest in their case, you shouldn't either.

Related to this is the client who doesn't want to discuss your bills. Oh, he or she paid you regularly for a while, then slowed a bit and finally stopped paying. You ask about it and are told that the client will be caught up soon. Don't worry. When you hear that, worry. A lot.

Lawyers are an odd breed. We don't like to push our clients about bills. Perhaps we are embarrassed by the amounts we bill. Maybe it's just an uncomfortable topic. Regardless, when you don't confront, it gets worse. It's Business 101 that the older a bill gets, the less likely it is to ever get paid.

The question, of course, is: When is enough, enough? There's no way to state a rule of thumb here. Large law firms are able to carry large receivables for a long time. Small firms like mine can't. Here is an exchange which should end your representation immediately (I've had some variation of this multiple times):

**Lawyer:** Carl, we need to talk about your bills. We haven't been paid in six months, and we need to get this caught up.

**Client:** I know. I know. We have cash flow problems, but we're working on it. I don't know when we'll be able to get caught up, but we're good for it.

**Lawyer:** I appreciate that, but we can't commit substantial time and expense without some assurance of getting paid.

**Client:** What do you mean? Are you just going to quit on me?

**Lawyer:** I don't want to do that, but I'll have to if we can't get paid.

**Client:** You've insulted me. If you don't want to work on the case, that's fine.....

See what we have here? You – a business person – have addressed the most basic need of your business – income. Your client is insulted by the prospect of having to pay you. You must run from this client with all haste. If you don't, don't expect to ever get paid again.

II. DON'T REPRESENT CATS

Of course, it's well-known that there are no cat herds. Cats don't do that. They just scatter about. Some of your clients are like that. They aren't dogs. They don't have a leader. They are cats, scurrying about with no one in charge. These are not good clients.

The Cat Client comes in various forms – corporations, families, virtually any collective of people. No one is in charge. The point person, your "client contact,"
as we call it, seems to be the boss until real decisions have to be made. Then, no one is in charge. In a corporation, you may hear from the President, the CFO, the in-house attorney or the janitor. They all have differing views on the goals to be achieved. If you need a question answered quickly, good luck.

I've represented several churches in my career. Each was a fine organization headed by fine people, but no one was in charge. The minister works for the church at the pleasure of the Elders or whatever group is supposed to be in charge. That group has no leader. They make decisions as a collective. Getting direction is almost impossible. You'll end up frustrated, and so will they.

Families are even more difficult. Most families are like mine and have no structure whatsoever. No one is in charge, and they like it like that.

Here's what you do. At the first sign of cat-like behavior, set some ground rules. A contact person is a good start. Get a list of folks who need to be updated on your case. You might have to paper or email them into submission, but it's worth it. Better to keep too many in the loop than not enough.

III. IT'S ABOUT THE MONEY

"This isn't about the money. It's the principle." These words send a chill up the spine of all experienced attorneys. It is, after all, about the money – at least most of the time. The sooner your client comes to that realization, the better off you both will be.

Unless it's a criminal case or, possibly, a divorce, it's all about the money. If you sue someone, you want money. If you've been sued, you don't want to pay money. In fact, you may not even want to pay your own lawyer.

Let's say your client is in a $500 dispute. A good lawyer (or even a bad one who wants to get paid) explains that the client will pay the lawyer far more than $500. If the client responds that he or she would rather pay the lawyer, you must pause, tamp down your greed and repeat your cautionary warning. Slowly and clearly.

If your client persists, go forward but be realistic. At some point, your client will realize that it is, in fact, about the money after all. When they owe you more than they do the adversary or more than they can possibly recover, they'll know it's about the money. At that point, you may well be the adversary.

IV. THEY DON'T REALLY WANT A LAWYER

Given the general public's disdain for the legal profession, it isn't surprising that a lot of people — maybe most — don't want to hire a lawyer. This is especially true of trial lawyers. There is a subtle but important difference between needing one and wanting one.

Good clients want to hire you. They want your advice and expertise. Some folks — thankfully a small percentage — hire you only because they must. They do not recognize you as having any specialized knowledge or skill. Indeed, these clients
are prevented from doing your job only because of their dearth of education and lack of professional credentials. Nevertheless, they know how to do your job better than you do.

They'll plot strategy for you. They know the best witnesses. They even know the questions you should ask during depositions and trials. During trial, they will hand you helpful notes such as "Ask him if he's lying!" They will disagree with you about the law. You will calmly explain a basic concept such as the abolition of Debtor's Prison, and they will contend that it is unfair. You will explain that a certain position is not legally sound, and your client will disagree based upon nothing more than his or her idea of what the law should be.

This client will not be pleased with your work. Monday Morning Quarterbacks rarely are. If you are prepared for this, by all means go forth. Such clients are best represented once. The good news is that their displeasure with you likely means that they will move on to a new lawyer anyway (See Item No. 1 above).

I suppose other professions deal with similar issues. Perhaps cancer patients demand that their oncologists provide certain medications or ask to assist in surgery. In that case, I'm sure the doctor will continue to prescribe what is best. Lawyers must do the same. Keep advising even if your advice is ignored. Besides, isn't it just a wee bit satisfying to get to say "I told you so!"?

V. BE A CRIMINAL LAWYER, NOT A LAWYER CRIMINAL

Criminals are entitled to lawyers just like everyone else. That's one of the great things about America. Even if you are guilty, the government still has to prove its case against you.

Where a lawyer gets off base is when he or she becomes the criminal. Hey, if your client breaks the law, it's your job to help. By that, I mean help defend your client, not help your client break the law. It's real simple: If your client is doing something illegal, strongly advise against it, and don't participate in it.

It's bad when your client goes to prison. It's worse when you go, too.

VI. YOU WANT A WHAT?

Sometimes, people aren't looking for a lawyer. They want a "bulldog" or "pit bull." Someone once told me that he was looking for "Someone who will get down in the gutter and fight to the death. Win at all costs!" Beware of folks like this. Why?

First, if your self-image is that of an animal or you imagine yourself wallowing in the gutter, you may need therapy. Second, this type of talk is often code for: "I want an unethical and, if necessary, dishonest lawyer." Third, they want you to engage in all manner of harassing shenanigans that will likely make their fees grow exponentially. Then, you run into Item Nos. 1 and 3 above.
The best lawyers I've known are polite and professional. They zealously represent their client like human beings, not animals. They don't harangue their opponents or needlessly fight about every detail.

If you need a lawyer, I'm your man. If you need a dog, go to the Humane Society.

VII. DEVELOP A NUT ALLERGY

I can't emphasize this enough. It is, after all, the most important point of all. Nuts need and want lawyers just like regular people. In fact, many nuts require legal representation far more than normal people. This is because they are frequently embroiled in controversies in which only nutty people are involved. Identifying nuts, however, is most difficult.

Here's one sign: There's a conspiracy. A large group of people (often the Government) have conspired against your client. These conspiracies can involve the judiciary and all other levels of government. Remember: If there really is a conspiracy – which does happen sometimes – it will usually be pretty easy to crack. If it is hidden under layers of impenetrable silence, consider this very real possibility: It isn't true.

Another sign: Vast amounts of paper. I have had cases involving hundreds of thousands of documents. Believe it or not, that's not uncommon. What is uncommon is a client who presents you with piles of irrelevant paper. Often, these papers are carried around in their pockets or cars. You don't know what they mean. Neither does your client. But they are important.

A final sign: The case no one will take. This is a potential client who describes to you an impossibly lucrative case which no lawyer will take. These cases involve millions of dollars. There's usually a conspiracy and a mountain of irrelevant paperwork associated with the case. Here are few real life examples that I've either heard about or experienced myself:

A. The Spindletop Oil Fortune: This is a claim that someone is an heir to the Spindletop Oil fortune in Texas. The person has proof through some dizzying array of paperwork. Judges have been throwing these cases out of court for years. Here's a practice pointer: This person is not an heir.

B. The DeGroot Patents: These are a series of 19th Century land patents from the Commonwealth of Kentucky under which someone claims vast mineral resources. You are likely to find that they are junior patents, inferior to the entire rest of the world's claims. See, e.g., Ford Motor Co. v. Potter, 330 S.W.2d 934 (Ky. 1957).

C. Scammers: These folks really need lawyers, usually to help transfer funds stolen from some government enterprise. Sometimes, they need your bank account to help you with your massive winnings from a lottery you didn't enter. If you fall for this one, you deserve it.
Often, you won't know your client is a nut until deep into the representation. Be patient. They will rarely see things your way. Remember that if they ever come back around.

I guess you noticed that I didn't really say you should turn down all of this type of work. Times are tough in the legal profession, and none of us are as choosy as we'd like to be. That said, if you do turn down this type of work, you won't be sorry. After all, sometimes, it really is the principle of the thing.