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Cover Story

Going Solo

By Joan Indiana Rigdon
Photos by Patrice Gilbert

It will happen to most of you at some point in your career. Someday a friend will go solo and you'll feel the slightest strain of envy. Then you'll wonder, perhaps for just a minute, or perhaps chronically, if you could hang out your own shingle, too.

Going solo, or even duo with one other partner, holds a lot of allure. In its best light, it promises freedom to do the type of work you want, for the clients you choose, plus the flexibility to do that work from anywhere you please, whether it's a rented office or your favorite chair at home. If you're hoping to make partner, go solo and *voilà!* it is so. If you're overworked, running your own business gives you the option of working something closer to 40 hours a week, so you can get to know your family and friends again.

Reid Trautz, director of the D.C. Bar Practice Management Advisory Service, has been counseling future and new solo and small-firm practitioners for a decade. The counseling is free and confidential. Of the five or six people he advises each month, four or five are about to go solo, or have just done so.

Their prime motivation is to gain some control over their life, says Trautz. "They don't like what they're currently doing, or it could be that they want the experience of building their own book of business [so they can] go back and merge that with a larger firm. Or they want to slow down and experience other parts of life rather than working."

As for solos and small-firm practitioners who choose to work 90 hours a week, "they can do it when and where they want," adds Trautz. "They're working hard, but they're working hard on their schedule building their business."

Some hang out their own shingle just for a change of pace.

After two years of working as a county prosecutor in Florida and 11 years of working for various U.S. government agencies (most recently he was charged with responding to Freedom of Information Act requests for the State Department's Office of the Inspector General), Miguel Serrano went solo last September. "I was determined to represent ordinary Americans, from people who are starting their own businesses to working moms and students," says Serrano. He wanted to represent people "from all walks of life, rather than spending my whole career representing senior government officials, or just the United States in general."



Risky Business

Setting up a new firm is hugely risky, because most solos start with no paycheck and few, if any, clients. What's more, most lawyers who go solo are used to being "grinders" who do the work, but not "finders" and "minders" who bring in and manage the work.

Once they have their own firm, the grinders must do it all. In addition to rainmaking, they must develop a business plan, find an office, and unless they can pay someone else, set up phones and computers by themselves. If they don't have secretaries, they must also change the fax toner and calculate postage.

Few if any of these subjects get covered in law school. Most lawyers can learn, but they usually lose money while they do. Career counselors advise would-be solos not to walk away from their steady paychecks until they've saved or can borrow six months' to a year's worth of living expenses.

Exactly how much to save or borrow depends a lot on the lawyer. Depending on whether or not the lawyer starts with clients, it takes four months to a year to achieve positive cash flow, says Trautz. But being able also to pay oneself a decent salary may take longer. Many of the solo and small-firm practitioners interviewed for this story said it took them at least a few years to match or exceed their previous salaries.

Trautz says new solo and small-firm practitioners fall into two categories: those who start with clients and those who don't. The first group includes partners or senior associates at established firms who plan to practice in the same area. The second group includes government lawyers and younger associates who leave large firms and plan to move into new areas (with immigration and entertainment law being among the more popular choices, according to Trautz).

In two-hour initial consultations, Trautz explains to those seeking advice the business of running a firm and goes over details such as types of business entities, options for office space, and how much to expect to pay for malpractice insurance (which is not required in the District).

Considering the tremendous risk involved with going solo, it's surprising that so many do. According to the D.C. Bar, as of this past fall just over 10 percent of its 42,870 locally based members were practicing as solos. Almost half were practicing in firms. (The Bar does not track how many of those were small firms with five partners or fewer.) According to the American Bar Association, nearly 10 percent of its 345,210 members are solos; almost 13 percent practice in firms of two to five partners.

The Plunge



For many lawyers, taking the plunge is one of the hardest steps in setting up a new firm. Some need a little prodding. That is the case with Melinda "Mendi" Sossamon.

Sossamon had worked for five years at Hogan & Hartson L.L.P. and was at the point where she had to decide whether she wanted to make partner. She had sometimes considered hanging out her own shingle, but not seriously—until 2003, when she nearly died during a vacation in Spain. She was in Seville when she was struck by bacterial meningitis, a highly contagious disease that often kills its victims. Sossamon spent 10 days in the

hospital. "I went about as far as you could go [without dying]," says Sossamon.

Sossamon couldn't work for two months and then returned at a reduced schedule. During her recovery she rethought her career. "After you spend 10 days in a Spanish hospital your perspective on life changes a little bit," she says. "Things like that open your life, you know, and . . . Hogan was great to me. But it wasn't ultimately what I wanted from life."

Soon after, Sossamon met up with her former college classmate, Christopher Manning. Manning, a former senior associate at Bryan Cave LLP, had gone solo a few months earlier and was ready to take on a partner. In September 2004 they formed Manning & Sossamon PLLC, a corporate and litigation practice. Both figured it was now or never: neither one was married or had children. Backed by home equity loans, they threw themselves into building a two-person firm.

Michael Berg, an attorney who specializes in communications law, decided to go solo after he was already well established. He had thought about it off and on since the beginning of his career. But instead he spent three decades working at several places, including the Federal Communications Commission, a trade association, a small firm, and large firms. Most recently, he served as of counsel in the communications practice group of Vinson & Elkins LLP.

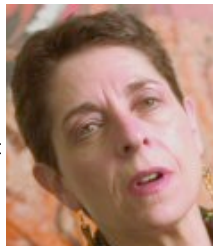
Berg made his move in 2004 for a variety of reasons. First, the financial risk was lower than it had been. Two of his three children had finished college. He had coauthored a book, *FCC Lobbying: A Handbook of Insider Tips and Practical Advice*, that he could use to help woo clients. And he was able to take some clients with him.

Second, over the course of his career, Berg had seen big firms change in a way he didn't like. "I thought it became more restrictive over time. There's a real tyranny in big firms that comes in part from having to work about half the year just to pay the rent and the overhead. And there is also usually a highly developed structure with a lot of restrictions on whom you can represent and what you have to charge them. And often these kinds of matters are set by people in some other city where the practice can be very different than it is here in Washington."

Going solo was "mainly an empowerment step," says Berg. "I think the law can be a very powerful thing. It's very exciting to analyze a client's problem and bring my experience there to solve it. And I wanted to be able to use my experience more creatively, with more flexibility in terms of whom I represent. Now I don't have someone telling me, oh, that client is too small or otherwise inappropriate."

Linda Ravdin is part of a small minority—currently less than 2 percent, according to the National Association for Law Placement—that go solo right out of law school. It wasn't her original plan.

First, she interviewed for several jobs, including one at a Houston firm that specialized in oil and gas law. Ravdin remembers the interviewer, a young woman. "She said, 'Tell me why you want to do oil and gas law,' which I didn't want to do. It was possibly the most boring thing I could imagine. And I sat there and I told some baldfaced lie. I



couldn't have been very convincing. And I walked out of there and said, well, I'm never going to do that again. I'm not going to sit there and tell somebody something they want to hear just so I could get a job."

Ravdin reevaluated. During law school she had participated in Law Students in Court, a program that allows supervised students from five District law schools to represent low-income clients. She had signed up for court-appointed cases involving misdemeanors and loved the experience, even after a judge told her off for allowing a client to attend court wearing athletic shorts. Remembering the program, Ravdin decided that what she really wanted to do was criminal defense. All she had to do was go to court and sign up for cases. So she did. That was the beginning of 28 years in small firms, including 15 years as a solo.

For Ravdin, going solo seemed like the easiest path. She figured that if she needed help with her cases, "I would just have to know either what library to go to or what practitioner to go to who would help me. It seemed a lot easier to do that than to get a job at a big law firm, which seemed terribly intimidating."



In the case of Devarieste Curry, going solo was never a path she planned to go down, but one that presented itself out of circumstance. Curry worked at Howrey LLP and then Beveridge & Diamond, P.C. until 1997, when she formed a partnership with another attorney. In 2003 Curry's partner informed her that she would be leaving to return to the corporate world. Curry then went solo.

For Curry, making the transition was relatively easy. "Before leaving the major firm, I actually had spent about two years thinking about what I wanted to do and researching operating a small firm, so I was prepared for some of the challenges," she says.

Finding Clients

Several of the newer solos and small-firm practitioners interviewed for this article have developed aggressive marketing plans to generate business.

Serrano says he aims to use his fluent Spanish to find clients in the burgeoning Latino population. To that end, he is considering advertising in Spanish-language newspapers or even walking certain neighborhoods to meet people. He also intends to become active in the Hispanic National Bar Association and to attend events in the Latino community.

Manning and Sossamon are using their office space as a way to draw potential clients. Rather than rent a virtual office—for about \$200 a month, you can rent a downtown address that comes with a secretary and a set number of hours a month that you can use the conference room—they decided to rent one floor of a converted townhouse. This brought an unintended benefit. One of their first clients was a contractor, who agreed to renovate their offices in return for legal services.

Once the space was renovated, Manning and Sossamon began hosting events, figuring it would be a great way to network. They've held fundraisers for political candidates. Last December they hosted the annual Christmas party of NSOvation, the young patrons of the National Symphony Orchestra. The firm

ended up getting referrals from people who attended the events, and those clients in turn have generated more referrals, says Sossamon. "Anything you can do to create a periodic buzz or recognition about your name is to your benefit."

Joy Butler, a media and entertainment industry lawyer who went solo in 2002, has used her media production business, Sashay Communications, LLC, to drive clients to her law practice.

Butler worked for law firms for half a dozen years before quitting to start Sashay in 2000. At Sashay she publishes legal and business information for the media industry, including a book she wrote, *The Musician's Guide Through the Legal Jungle*. She also leads seminars. After several customers asked if she could represent them, she decided to start a solo law practice.

She still gets referrals from Sashay. But at first she got most of her work by being retained by other firms. Now, four years later, she estimates that only one quarter of her work comes from other firms.

Butler is using many strategies to build her client base. This year she plans to publish her new book, *The Permission Seeker's Guide Through the Legal Jungle*. She has also been active in the D.C. Bar and has done a lot of public speaking. She estimates she spoke at more than 20 events during an 18-month period that spanned 2003 and 2004.

"Interestingly, it did not generate very many immediate clients," says Butler. "What I concluded was, it was good in terms of building your reputation, and it might generate clients over the long term. For those reasons I'll continue to do them. But I won't do as many."

Ravdin says networking and public speaking are a great way to generate clients, and agrees that these methods take time to pay off. "One of the fallacies about marketing," she says, "is that there's a direct straight line from point A to point B. Point A is you give a speech and point B is you get a client." But it doesn't work that way. "When you go out and meet people and speak at bar activities and speak at CLE programs, you're planting a lot of seeds."

For years Ravdin marketed her practice by being very active in the women's bar, attending events three or four nights a week. She sat on a programming committee, taught continuing legal education (CLE) classes, wrote articles, and told every lawyer she encountered that she was doing family law. (She transitioned to family law from criminal defense in the early 1980s.) In the beginning her referrals came from close friends and colleagues. Over time her networking turned up referrals from people she didn't know as well, including other solos who had called her for advice before hanging up their own shingle.

Joel Bennett, an employment lawyer who has been solo for most of the past 29 years, says his networking has been very productive. Like Ravdin, he was active in bar associations, taught CLE classes, and wrote about law practice management.



After decades of such activities, Bennett says his referrals come from "other lawyers, friends, opposing counsels, or people who've just heard of me. Lots of times, prospective clients call and say, 'I was referred to you by

attorney X,' and I have no idea who that person is. That person obviously heard of me [somewhere]," he says.

Where do the attorney X's of the world come from? "That is unknowable. Maybe it was a speaking engagement. You wouldn't know if that person was in the audience," says Bennett. "Anytime you meet people, and you communicate that you're an attorney and that you work in a certain area and that makes a good impression, that's a potential source [of clients]."

Managing the Business

Trautz says that in all his years of counseling solo and small-firm practitioners, he has not seen any fail for financial reasons. But he has seen some who decided they didn't like running the business and then merged their practice into a small firm.

Once on their own, lawyers have to deal with details they never had to consider before, from restocking fax toner to keeping the computer network up and running. Some thrive on managing these details. Bennett, for one, has written and taught about technology for lawyers.

Sossamon says she and Manning discovered within two months that she is the one who likes tending to the business. "Chris is the big-picture guy. I care how the computers are wired. He doesn't."

Veteran solos go out of their way to attend lectures and read books for tips on how to manage their practice, from screening out clients who won't pay to designing an interesting announcement. An often-cited publication noted for its practical advice is Jay Foonberg's *How to Start & Build a Law Practice*, published by the American Bar Association (ABA). The 647-page tome includes sections on how to get financed by rich friends and relatives, "bedside manner" in setting fees, the idea of indexing fees to the local cost of McDonald's Big Mac, and how to deal with difficult people.

(Bennett has written his own book on the subject, titled *How to Start and Build a Law Practice*, published by the Bar Association of the District of Columbia. He is also a contributor and past editor of *Flying Solo: A Survival Guide for the Solo and Small Firm Lawyer*, published by the American Bar Association.)

Trautz is often consulted by the same solos who originally turned to him for advice in setting up a practice. Butler, for one, says Trautz gave her a "marketing checkup" during which he helped her hone her web site to better communicate which services she offers.

Successful and aspiring solos network with other solos, not only in person, but also through online communities, such as the ABA's Solosez and Carolyn Elefant's myshingle.com. Butler says she also networks through the Black Ivy Alumni League's online community.

Even with plenty of training and networking, Ravdin didn't enjoy some of the business aspects of running a law practice. She performed them, and ultimately practiced as a solo or as one of a few small-firm partners for 28 years. But four years ago, when she learned her office building was slated for demolition, she wasn't so sure she wanted to continue.

"To stay small, there's so much you have to do in the way of management. It ends up falling on the lawyers because you're not big enough to hire a professional staff," says Ravdin.

She found it expensive, for instance, to pay for computer

consultants who could be available on call. By the time she learned of the demolition, she had reached a point "where I thought, I can't keep doing this micro-firm thing anymore. I was sort of burned out by it."

In 2002 she joined Pasternak & Fidis, P.C., a Bethesda, Maryland, firm where she continues to practice family law. She says she doesn't mind not having her name on the shingle, and that the other partners welcome her input. She plans to stay at the firm for the rest of her career.

Cost

Earning enough profits to pay a decent salary requires financial discipline, especially for some solos who go for months at a time without pay, because their clients aren't paying. That is a definite risk for lawyers who depend on court-appointed work.

After 29 years as a solo or working with up to three partners, Bennett says one of a solo's biggest challenges is being able to handle unsteady income. "One of the things you have to be is the kind of person who can live with the ups and downs of incomes. When you're in a firm of two people, five people, or 10 people, when one person slows down, someone else can pick up the slack. When you're a solo, everything rests on your shoulders. You have to be the kind of person who can live with the hills and valleys of work, money, and so on."

Bennett has always kept a tight clamp on expenses. When he went solo in 1976, he sublet an office from a law firm, rather than get his own. That proved hugely beneficial. In addition to saving money on the rent, Bennett picked up a case from the landlords, which turned his practice profitable in its second month. He calls that "pure luck."

Because computer systems cost about \$20,000 at the time, Bennett decided to start out with a regular typewriter. (He didn't splurge on a \$1,100 IBM Selectric until he'd been in business for a few years.) Later, when he upgraded to personal computers, he stuck with the basic models. In general, he says solos would do well to start with a \$500 system and then upgrade later, when they can afford it.

As for books, those are a thing of the past in Bennett's practice. In the early days he spent \$2,000 a year on law books; now he spends "zero." He also has canceled all print subscriptions. He says he can find most of what he needs online or in the library for free. He does subscribe to the cheapest monthly plan available from Westlaw, and pays on a per use basis for Westlaw material that's not included in his plan.

For almost two decades Bennett tried to work with secretaries, but by the midnineties, when he became proficient with personal computers, he found the secretaries expensive, inefficient, and troublesome to manage. He stopped using them in 1997. "Since then, I've never been happier," he says.

He keeps accounting costs down by doing his own books on WordPerfect's Quattro Pro. (He does use a certified public accountant to prepare his taxes.) Several years ago Bennett decided to cut his accounting costs further by paying himself just once a year.

Even with low expenses, during the last three decades "there have been months where I was not in a situation to draw any money out of my law practice. And there have been months where I've been able to draw substantial amounts," says Bennett.

Of course, he recommends against the latter. "Don't go out and spend it all on a fancy car," Bennett advises solos who find themselves flush. "Save some of that for the quiet times."

Flexibility

Most of the solo and small-firm practitioners interviewed for this article say the troubles related to building and running a business were worth it because, in return, they got something they could not get at their previous jobs: flexibility. That is, flexibility to concentrate on more interesting practice areas, to work from home, or to work a less stressful 40 to 50 hours a week.

Berg, for instance, wanted the flexibility to use all available strategies to represent clients, including interfacing with Congress. In large firms, various conflicts of interest sometimes prevented him from doing that. As a solo, he says he can also offer clients the same service he used to offer at large firms, but with more personal attention for lower rates.

Berg also wanted more free time, which he now has. "I have a family and I have a garden and I have a dog, and I get to spend more quality time with each of those," he says. Berg also gets to spend more time in his favorite place on earth: his hammock, strung up between two old trees in the backyard. In his pre-solo life, one year he worked so hard that he didn't manage to try it out until winter, when it was snowing.

Berg says he was fortunate to have worked in some outstanding large firms. "I gained some very solid legal grounding and worked with some great people," he says. Yet he felt pressure to bill more hours. "I found that applies to everybody [in big firms], even to the most senior people. Everybody is just expected to bring in more and more all the time."

As a solo, Berg is more in control, and has only to answer to himself for how he spends his time. "I want to bring in more work, because now that I'm past the start-up phase, I'd like to be working more hours than I am. But that's a decision that comes to me. It's not dictated by the management committee. I'm the management committee. And if I want to run my practice in a way that I don't have huge overhead that drives me to want to spend my whole life billing time, and if I want to have dinner with my wife most of the time and pursue other interests, I can do that and still do well financially if I get all the pieces to fit together."

Before going solo, Berg interviewed others who had done it, including some who advised against the idea. "They said, 'Don't do it, because you won't have a life. When you're the chief cook and bottle washer for everything, it's very hard to get away from it,'" Berg recalls. But there were others "who said they are making more money than they made in their big firms, and working a lot less hours. They enjoy what they do. And those are the people that I decided I was going to let have the greatest influence on me."

Freedom, Curry says, is the greatest benefit of going solo. "I have the freedom to choose the kinds of clients I want to represent and the kind of work I want to do. . . . I also have the freedom to decide how much time to devote to billable work and how much to other interests."

Steven McCool, a criminal defense lawyer who started Mallon & McCool LLC with Joseph Mallon six years ago, says working in such a small firm gave him



time not only for his family, but for cases he could not have taken had he worked in a larger firm.



In 2002 McCool took on a capital murder case. A little more than a year later, he won for his client a sentence of life without parole instead of death. During that time Mallon kept the firm afloat with labor law and personal injury cases.

McCool says he had to take the case because “you only go around once. . . . I was able to do [it] because I have a wonderful partner . . . and he was able to keep the cases coming in while I worked on this case.”

Part-Time

Carolyn Elefant, the publisher of the solo blog myshingle.com, says her solo practice made it possible for her to continue practicing law while spending a lot of time at home with her two daughters.

After working two years for the government and three years at an energy boutique firm, Elefant was told that she would not make partner. That was in 1993. She looked around at some other jobs, but the energy business had slowed, and the jobs she did find were for more junior lawyers. So she decided to go solo and hung out a shingle a few days later. She continues to specialize in energy law.

Elefant began with one case, an appeal that would not have been profitable enough for her previous firm. After a few weeks of practicing, she learned about an upcoming meeting for the Marine Technology Society, a trade association that includes an ocean energy committee. “I really didn’t want to go. I was feeling despondent,” Elefant recalls. She forced herself to attend, and met a man who was trying to set up a nonprofit. He became her first client. “It was beginner’s luck,” she says.

In the early years, Elefant worked from a \$100-a-month virtual office and took on some court-appointed criminal defense work, mostly for the experience. She also did some litigation. Later she was able to upgrade to a \$425-a-month office. When she became pregnant with her first daughter in 1996, she decided to take her solo practice part-time by phasing out court-appointed work and litigation in favor of contract work from other attorneys. After her second daughter was born in 1999, she gave up her office and began working at home.

Elefant kept her solo practice part-time for eight years. When her daughters were infants, she worked 10 to 12 hours a week; as they got older and settled into school, she gradually increased to 30 hours.

“Sometimes when business really dropped and I didn’t have that much [babysitting] coverage, I could get very worried,” she says. “If everything fell through, I wouldn’t be able to market enough to bring in the business.”



Toward the end of her part-time years, Elefant thought she might have to fold her practice because a contingency matter began taking up much more time than she expected. Four times a month for three months, Elefant had to drive two and a half hours each way to take depositions. “That was the time I had allocated for billable work,” she says.

Working part-time presented an image problem, too. Some clients think a part-time lawyer who works from home with young children is not serious, dedicated, or dependable. Elefant kept her arrangement discreet. She did let trusted clients know and sometimes brought her infant daughter to meetings. But for newer clients, "I didn't say anything. I just made sure I could get the work done and when I talked on the phone to them that there weren't kids crying in the background."

The payoff for all this trouble was well worth it, says Elefant. By doing a lot of work between 9 p.m. and 2 a.m., she was able to spend time with her daughters. She says working solo can be very convenient "if being around your children is a priority." For salaried lawyers, being a parent "can be very stressful. You wonder if people think you're slacking off and you're not pulling your weight."

No Regrets

The solo and small-firm practitioners interviewed for this article say they have no regrets in taking the plunge.

Melinda Sossamon, for one, is elated with her choice. "Lawyers are naturally risk averse. This is definitely a proposition that is fraught with risk. However, if you can take the plunge, I would highly recommend it," she says. "It's wonderful. It is your practice. You are building something that you created."

Even Miguel Serrano, who in the early days of his solo practice plans to pick up court-appointed criminal defense work to help pay the bills while he dips into savings, has no misgivings. "I don't want to be an old man one day and look back and say, 'What if?' "

When Serrano was a year old, his father gave up family, friends, country, and an appliance business to move his immediate family to the United States from Cuba. "What they had to go through was so much more daunting than what I may have to face [as a solo]," he says.

"I don't want to look back and say, 'I didn't want to do it because I was nervous.' My father taught me a long time ago, when you make a decision, you just jump."

Although she doesn't regret going solo, Devarieste Curry cautions that making that jump might not be wise for everyone. "I had worked hard, first at Georgetown and then at a large law firm to make sure I had solid skills," she says. "I also worked very diligently to get clients. I had Fortune 100 and Fortune 500 clients that I had gotten on my own, so I felt that I had the skill level and the client base. And I also know I'm very good at marketing.

"The reason I mention this is because I meet so many people, mostly young people, who say, 'I admire you, I want to do that,' but I think people should consider it seriously because there are challenges."

Freelance writer Joan Indiana Rigdon is a frequent contributor to Washington Lawyer.

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