

BASICS OF STARTING A VIRTUAL LAW PRACTICE[‡]

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Prior to starting a law practice, several issues must be considered. First, your goals and values must be clearly defined. Next, you must analyze your start-up capital, anticipated expenses, marketing options, revenue sources and other logistics. Finally, create a comprehensive plan addressing these issues.

I. GOAL AND VALUES

Your first task, when contemplating starting your own law practice, should be to clearly define your goals while looking at the big picture. Clearly defining your goals and creating a comprehensive plan for achievement is the key to success. Opening your own practice without clearly defining your goals is similar to taking the helm of a ship in Boston and sailing to Cape Horn without a compass or any other navigating equipment. Some readers may be able to “read the stars.” However, if you are not one of them, you will waste an exorbitant amount of valuable time and energy sailing off-course and perhaps never reaching your intended destination.

When defining your goals, ask yourself how you would like your career and personal life to fit together. Then, write down your personal goals for the next year, five years, ten years and twenty years. For personal goals, ask yourself, what do I want to do or accomplish within my lifetime? Next,

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write down the things you want to have in your lifetime and determine when you want them (i.e. within one year, five years, etc). Determine and write down your financial needs to achieve your personal goals. Create a time chart reflecting the dates you will need to achieve each financial level to accommodate these goals.

Next, analyze your values. Determine what is most important in life. Listing goals will help with this task. Create a list of ten values in the order of importance to you (1 = most important value, 10 = least important value). Analyze your values and decide if starting your own practice conflicts or coincides with your values. For example, if financial security is a value that is number one on your value scale, and independence is at the bottom of your list at nine or ten, then starting your own practice may not be right for you. On the other hand, if you highly value independence and financial security is something that is below independence on your value scale, starting a law practice may be a wise decision.

Next, take a look at your goals and ask yourself, what am I willing to do to achieve my goals? What am I willing to sacrifice in my life? Once you are committed to creating a successful law practice, you need to know the basics of starting a law practice.

II. BASICS OF STARTING A LAW PRACTICE

A. Marketing

1. Website

A law practice is a business and like other businesses, marketing is a valuable tool and should be utilized. As soon as possible, open a virtual law office via the Internet. Select a domain name for the Website. Domain names may be purchased through a number of entities, including Yahoo.com. When selecting a domain name, be sure to conduct a trademark search to avoid infringement.¹ A good Website to start your trademark search is at <http://www.uspto.gov>. You should also conduct a

¹ WIPO provides a resource for domain name decisions. See WIPO at <http://arbiter.wipo.int/domains/decisions> (last modified Jan. 30, 2002).

trademark search via search engines on the Internet. At that point, you have your first client, yourself. Consult your own business as you would a client. For example, in addition to trademark issues, decide whether you should register as a professional corporation, etc.

If you are not computer savvy and you intend to create your own Website, I recommend obtaining a copy of *CREATING WEB PAGES FOR DUMMIES*, by Bud Smith and Arthur Bebak.² After your Website is operational, submit the site to the directories of major search engines so that potential clients are able to find you when they search for lawyers online. Another option is to pay for a listing in the Martindale Hubbell directory, which has Web based listings at <http://www.lawyers.com> and <http://www.martindale.com>, in addition to its hardcopy directory.

Once your Website is on the Internet and accessible, your virtual doors are open for business. Instead of *hanging out your shingle*, hang out your metatags.

2. Networking

Nothing can substitute for in-person networking. You need to get out there and stay out there. If people do not know you personally, they are less likely to hire you and they are less likely to refer clients to you. When networking, be sure to have your Website address clearly set forth on your business cards. Your Website becomes your virtual brochure, to which you should direct all potential clients and persons who may refer work to you.

3. Speaking Engagements

Speaking engagements are typically win-win situations. You obtain exposure while the audience achieves a better understanding of the subject matter discussed. Speaking engagements are an opportunity to demonstrate your knowledge. When selecting a forum to speak, choose organizations that will attract an audience consisting of desirable persons or businesses. Contact the events coordinator of that organization and volunteer to present

² See generally BUD E. SMITH & ARTHUR BEBAK, *CREATING WEB PAGES FOR DUMMIES* (Hungry Minds, Inc. 2000).

an educational seminar on the topic of your choice. In selecting a topic, choose one that you feel comfortable speaking about. Read as many articles concerning the topic as possible and create a PowerPoint presentation. During and at the closing of your presentation, as discreetly as possible, promote your practice and your Website.

4. Organizations

Obtaining a seat on the board of directors of organizations that will attract membership of the type you want to represent, may be helpful. First, doing so may achieve greater exposure than if you are simply a member. The members of the board will know you personally and be able to refer clients to you based on the skills you have demonstrated in the capacity of a board member. You may also become involved in coordinating speaking events, wherein you may be asked by the board to participate as a speaker.

5. Online Discussion

There are a plethora of online discussion groups on the Internet. Select one that discusses topics in the area that you would like to concentrate your practice and join in the discussion. This is another opportunity to demonstrate your knowledge. When offering general legal information, remember to always include notices and disclaimers, as the information is not legal advice and should not be solely relied upon. Also, recommend that the readers consult the advice of an attorney regarding their specific situation.

6. Yellow Pages

The Yellow Pages is another vehicle for obtaining exposure and clientele. It is more costly than the foregoing marketing techniques. However, if you compare the price of the advertisements with anticipated profit arising therefrom, you may see that it is a worthwhile investment.

B. Referral

Most attorneys agree that referrals are the number one source of clientele for lawyers. Referrals can originate from friends, family, referral services, and other attorneys. Typically, there is an entirely different dynamic in the attorney-client relationship when the client has been referred to you by another person or organization. It is as though you have established the trust of the client and achieved a virtual seal of approval before the first direct communication between you and the client.

Do not hesitate to describe the focus of your practice to your friends and family and suggest that they refer potential clients to you. In addition, lawyer referral services run by local bar associations and programs are also an option. Such services require an annual fee and a percentage of the profit you receive from the referred clients. Again, comparing the cost of the service to the profit made from just one client may demonstrate that it is a worthwhile investment.

C. Articles

Publication of articles is an additional opportunity to let your knowledge shine. A published article satisfies a number of objectives. It provides exposure, it tells the world what area of law you practice, and it lends validity and credibility to your statements when you can reference a published article. Make reference to your articles at meetings with and letters to potential and present clients, when communicating with other attorneys and during speaking engagements. Also, have a link to your articles on your Website.

D. Pro Bono

Pro bono work may allow you to get your foot in the door. If you provide a free consultation or consultation for a nominal fee, the client will likely remember you and may refer clients to and/or pay for your services on a future legal issue.

E. Answering Service

If you cannot afford a secretary or receptionist when you first start your practice, you may want to hire a telephone answering service. Potential clients will rarely leave a message on voicemail. They want to speak to you and if they cannot speak to you, they at least want to speak to another human being. It is not easy to find a good answering service. For example, Ansaphone, Inc. of Boston, Massachusetts is a good place to start shopping for an answering service.

F. Follow-up

Clients are truly impressed when you follow-up immediately. There are *two* key terms in that sentence, *follow-up* and *immediately*. A delayed follow-up e-mail, telephone call or letter does not have the same effect and does not impress the client. And a failure to properly communicate with a client may lead to issues concerning malpractice or violations of your jurisdictions model rule of professional conduct.

This is where most attorneys fail. When asked about their attorneys, one of the number one complaints from clients has been lack of communication. Copy your client on every letter that goes out of your office regarding their case. Write a brief status letter if some action has been taken over the telephone or if you have received correspondence regarding their case. If there has been no action in several weeks, send your client a *no action* letter. This provides them with a status as to their case and makes them feel confident that you are actively pursuing their case.

III. POTENTIAL CAPITAL/REVENUE RESOURCES

Ultimately, you should start your practice with enough capital to support yourself and your family for one year. During your first year, you may want to supplement your income working as an independent contractor for the state within which you practice. For example, in Massachusetts there is a Committee for Public Counsel Services program where attorneys work as independent contractors and represent defendants in criminal and family law cases. There may be similar programs in your state.

Regardless of whether or not you enjoy wills, trusts, estates and real estate law, do not overlook this pool of potential clients and potential revenue. After graduating law school, you are likely to be approached by family and friends who will need these services. A person who comes to you for a will today, may be a business, personal injury, or international law client tomorrow.

Also, do not be afraid to charge family and friends. When rendering discounts to family and friends, make sure the invoice reflects all the time you put into the matter, your normal rate for such services, as well as their discount. You need to let them know the actual value of the representation they received.

In order to keep your overhead low, approach attorneys and request that they consider office sharing. In such an arrangement, you will provide the attorney(s) with a certain amount of your time per week to work on their cases in exchange for free office space. Another means of revenue is to develop “of counsel” relationships with attorneys practicing in the area of law you are most interested. Also, you may consider doing some work for companies that specialize in legal research. One caveat, make sure you dedicate enough time to your own practice so that you do not compromise your reputation with your clients.

IV. SOURCES OF CLIENTELE FIRST YEAR

In descending order of importance, the following are sources of clientele you can anticipate, during the first year of practice: family and friends; online marketing; offline networking; referral services; attorney referrals; direct marketing. Direct marketing is a waste of time and money for new attorneys practicing in most areas of law. Clients rarely, if ever, select an attorney based on direct mailings. However, if you are like me, notwithstanding the warnings from all types of experts, you will nevertheless try direct mailing. Should you attempt direct mailing, I strongly advise you to not waste too much of your valuable time. Move on and spend your time on more productive, proven methods of rainmaking.

V. CONCLUSION

If this article has provided a better understanding of issues related to starting a virtual law practice, it has served its purpose. As I stated, the key to success and happiness is, first, clearly defined goals and values. In order to utilize that key and open future doors, you need to *want it bad enough* and take aggressive action immediately. The words I would like to leave you with are, have confidence in your abilities—you can do it!