

# SURVIVAL TIPS FOR THE LONG HAUL

(And live to tell about it)

# Snippets

- What we need to operate our own firms:
  - Have a strong fortitude, confidence, and persistence.
  - Be prepared to wear many hats;
  - Have systems in place including having software programs;
  - Have good support staff;
  - Market and brand yourself
  - Employ standard operating procedures (SOPs)
  - Employ ethical and professional standards
  - Have a budget
  - Take time for yourself and your family.

# WHAT I DID AT THE BEGINNING

- Create forms for recurring tasks such as transmittal letters: letters to the court, letters to opposing counsel, discovery tasks, and closing letters.
- Utilize as many software programs as you can afford to streamline my practice: time and billing software, document assembly programs, case managements systems, etc.
- Track the number of cases brought in each year. Have a numbering system for tracking each consultation as well as those cases for which you are retained. Thus, at the end of the year, you know how many consultations you've had and the number which has turned into retained cases.

# MARKETING AND BRANDING

- Advertising – advertise to the extent that you feel comfortable with and can afford.
- Local and regional magazines, billboards, newspapers, radio and television spots are all potential avenues for advertising.
- Speaking engagements for community organizations, religious organizations, Greek organizations, and professional bar seminars are also great ways for getting your name out there.
- Attend networking activities: holiday events, political events, etc. One never knows how it can benefit you.

- Keep up with continuing legal education. Attend your local bar association CLE activities, many of which are free or low-cost.
- Take advantage of webinars, online CLE, and in-person section meetings of your local bars.
- Make sure you meet our MCLE hours.
- Keep up with developments in the legal profession, including technology, artificial intelligence, etc.

- Hire competent help. Use paralegals, legal assistants, and contract lawyers when needed. Such help may be fulltime or parttime, but do it when necessary to help you stay on top of your game.
- Know when to fire someone – if someone is not up to the job, do not hesitate to let them go. It's better to do it sooner than later.

- Take time for yourself. Take that vacation whether it's a staycation, an international trip, or just engaging in a hobby you enjoy. Take time for your family activities, your friends, and fun activities.
- Enjoy life in whatever way makes you happy.
- If you feel overwhelmed, get professional help. Rely on your family and friends who can help you get over the tough times. Trust me, they will happen and you need to be prepared to deal with them as best as you can.
- Take time off for your mental health when you need to do so.

# ETHICAL CONCERNS

- 1. Read and know the rules of professional conduct. Know the guidelines that apply to professional conduct, especially the minimum competence standard set forth in Rule 1.01 *Competent and diligent representation*; Rule 1.02 *Scope and Objectives of Representation*
- 2. Handle all funds properly. Comply with the rules regarding maintaining IOLTA accounts, and comply with them religiously.
- 3. Handle client matters diligently. Return the phone calls, emails, and texts in a timely manner. Failure to keep in touch with a client is one of the biggest complaints of clients. (I've always said that's a two-way street, but clients are not held to the same rules we are).
- *Rule 1.03 Communication*

- 4. Withdraw in an appropriate manner. The Texas Rules of Civil Procedure as well as many counties have local rules about the proper manner to withdraw. Be sure to follow the rules regarding how to withdraw. Document, document, document reasons for withdrawal as necessary in your file. Inevitably, there may be a grievance so CYA is always critical.
- *Rule 1.15 Declining or terminating representation*
- Listen to that voice in your head. If a bell goes off during that first meeting, listen to it. Most of the time that voice is right.

- Draft detailed engagement letters and fee agreements. Do it timely and as soon as possible to outline your agreement as to what you will do for the client. Outline the terms of the agreement, including fees, the matters involved, and the basis for how and when the relationship may or will terminate. Include explanations for electronic communications, file storage and maintenance and return of original documents to the client.
- Rule 1.02 Scope and Objectives of Representation
- Rule 1.04 – Fees

- Document matters with clients in writing and in a timely manner. Text, email, use snail mail, etc. Make sure to preserve such communications in a reliable manner. Keep logs or internal memos of the communications.
- Communicate with clients in a manner that they understand and commensurate with their educational level. Use language that they can understand.
- When going over the engagement letter, make sure to ask them if they understand it.

- **LIABILITY INSURANCE** – get it. Understand what type of insurance you need and what it covers.
- There are many different types of insurance for attorneys to cover:
  - General liability (malpractice)
  - Workers' comp
  - Commercial property insurance
  - Cybersecurity
  - Business interruption

Factors considered by insurance companies: size of firm, type of practice, previous claims, policies and practices in place, etc.

- Seek disciplinary guidance
- If you have a sticky problem that you're not sure how to handle, seek the guidance of the resources we have, such as the Texas Center for Legal Ethics, experienced grievance counsel (before the grievance is filed), and the disciplinary rules.

The State bar has several resources or departments that can help an attorney. Don't be afraid to reach out to them.

- Finally, but certainly not least, treat your clients, opposing counsel, judges, and everyone else with respect and civility.
- Civility and professionalism matter. Just because the parties treat each other poorly does not mean that you treat opposing counsel the same. One can be zealous and disagree without being uncivil. Treat opposing counsel without disdain; do not disparage each other.
- Do not be overly aggressive to the point of being verbally abusive, or scream at opposing counsel. Be firm but not to the point of being unprofessional.

# Summary

- These are just a few steps and practices that I have utilized over my 30 years of solo practice. Has it always been fun? Absolutely not, but there have been more ups than downs; enough successes to keep surviving to now. I hope that something I've said will help you as you navigate this profession. Best of success to all of you.