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Visit www.mvlslaw.org/events for more info on upcoming training and clinics!
CHOOSE YOUR OWN ADVENTURE

Basics of Starting a Law Practice

Presented By:
Kathleen P. Hyland
Hyland Law Firm, LLC
For the Maryland Volunteer Lawyers Service
December 19, 2019
WHERE TO START?

- Why go solo? Make a list!

  My list:

  1. Freedom/Flexibility
  2. Desire to practice cases that I want to take
  3. Marketing my own brand
  4. Money
WHY SHOULD I BE IN BUSINESS?

- Ability to Self-Manage
- Resourcefulness
- Marketing Skills
- Networking Skills
- Community Presence
- Lack of Reliance on Authority
  (aka, Leadership Skills! Run Your Own Business When You Have the Skill Set to Do So)
- Belief in Success
- Confidence
FEARS

- Failure
- Financial Despair and Ruin
- Committing Malpractice
- Nobody Will Want to Hire Me As Their Lawyer (Sadness.)
- Being Lonely
- Leaving A Different Path Behind To Start Something New
GOALS

- Cash flow/control over financial security
- Professional reputation development
- Avoiding burnout and depression/home and life improvement
- Office where my dog can come to work with me
- To practice more sophisticated cases
- Plan my own future
- Avoiding the trap of thinking “things just happen” when they don’t necessarily
WHAT DO I NEED TO DO?

- Choose a Business Entity
- Draft a Business Plan
  - Pick office space
  - Select practice areas
  - Fee structure
- Get Malpractice Insurance
- Open Bank Accounts
- Have a Succession Plan/Disaster Plan
- Build a Website
- Assemble Your Team
- Get Cases!
Business Model: Choice of Entity

- **Sole Proprietorship**: owned and controlled by one person, owner is personally liable, no forms with state

- **Partnership**: LLP, provides protection to partners for personal liability

- **Limited Liability Company**: LLC – less record-keeping than corporations, but consider single-member LLC

- **Corporation**: Professional Corporation – organized by field or trade; corporate income is taxed at a flat 35%

BANK ACCOUNTS

- Operating & IOLTA
- Maryland Legal Services Corporation
  - [https://www.mlsc.org/lawyers/iolta-faqs/](https://www.mlsc.org/lawyers/iolta-faqs/)
- Profit First? Savings Account Plan? Designated Tax Account?
FINDING OFFICE SPACE

- Word of Mouth
- Join Listservs and Ask
- Use a Broker
- Use Craigslist
- Drive in the Area and Write Down Addresses
- Talk to Other Professionals (CPAs, Real Estate Agents)
- Look for Shared Conference Room Spaces
- Work from Home
- Work Remotely
How much is your product worth in your local market?
- Ex: Murder case in Baltimore City vs. Anne Arundel County

How do clients typically pay for your practice areas?
- Flat fee, Retainers, Contingency Fee

What are your short-term financial needs?
- High – you probably need flat fee or retainer work, or client payments towards contingency fee work
- Moderate/Low – you have more time and capital to invest in contingency fee work, if desired, and long-term retainers

What are your long-term financial goals and needs?

How many cases can you physically handle at once?

How many cases can you delegate to an associate?
**BUSINESS MODEL: YOUR CORE TEAM**

- **Legal Assistance**: hire an assistant or use an answering service
  - Your bank will probably offer programs to pay employees, such as Intuit Payroll Services

- **Case Management Software**: Your “virtual” team member
  - CLIO, Needles, MyCase, Abacus, etc.
    - [https://www.americanbar.org/content/dam/aba/images/legal_technology_resources/Charts/PracticeCaseManagement_TimeBilling_IntegratedSoftwareChart.pdf](https://www.americanbar.org/content/dam/aba/images/legal_technology_resources/Charts/PracticeCaseManagement_TimeBilling_IntegratedSoftwareChart.pdf)

- **Accountant**

- **Mentors**

- **Having Backup/A Succession Plan**
Malpractice Coverage: CNA, Hartford, etc. (go see vendors here)
  - Get at least part-time coverage

Health Insurance
  - Go on spouse’s policy
  - Buy directly from the company
  - Use the Maryland Health Exchange

Maryland Health Connection – look for open enrollment periods (November 1, 2019 to December 15, 2019) [https://www.marylandhealthconnection.gov/](https://www.marylandhealthconnection.gov/)

INSURANCE
MARKETING 101

- Web Presence
  - Web editors and domain presence
  - Wix, WordPress ($13-$49)
  - GoDaddy
  - Linking email to URL
- Facebook, LinkedIn, Twitter, Instagram
- Listservs
- Volunteering
- Writing Articles
- Attending Bar Events
GETTING CLIENTS

- Work With Pro Bono Networks and Nonprofit Organizations
  - Avoiding too much pro bono!
- The Friends and Family Issue: In-Office Only
- Get Your Virtual Presence Up and Running
- Publish an Article
- Utilize Lawyer Referral Services
- Speak with Government Employees
- Meet with Other Lawyers
- Mine Your Closed Files
- Join Professional Associations
CLIENT SELECTION

- The Four-Part Test For Civil Plaintiffs:
  - Is there clear liability?
  - Are there damages?
  - Is the Defendant solvent?
  - Is the client reasonable?

(Credit to Jane Santoni)
CLIENT TIPS

- Essential forms:
  - Client Intake
  - Non-engagement Letters
  - Engagement Letter
  - Case Update Letter
  - Court Notification Letter
  - Closing File Letter

- Less is more

- Breaking up is hard to do, but sometimes necessary. Put it in writing!

- Do not get pushed around by the desperation of wanting clients
PRACTICAL LITIGATION SKILLS

- Develop your own on-the-job training plan for self-education
- Track recent court opinions using RSS feeders
- Take Pro Bono cases
- Have regular meetings with your mentors and colleagues
- Attend trainings with local nonprofit organizations
- Attend Bar Association lunch and learns
- Listserv membership
- Co-counsel with more experienced attorneys
- Volunteer with court self-help desks
RESOURCES

- Maryland State Bar Association
- Civil Justice, Inc.
- *Solo by Choice*, Carolyn Elefant
- *How to Start and Build a Law Practice*
  Jay Foonberg, https://foonberglaw.com/
Please do not hesitate to contact me!

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Resources for MVLS Volunteers:
Looking for Pro Bono Cases?
WELCOME TO THE MVLS PRO BONO PORTAL!

Select a case today by reviewing available cases shown below in real time. You can click "Learn More" to express your interest in the case, or click "Share Case" to forward the available case to a colleague.

If you are not currently a MVLS volunteer, please click here to register.

By taking a case today, you are helping MVLS to ensure Justice For All.

<table>
<thead>
<tr>
<th>Location</th>
<th>Ref. #</th>
<th>Case Type</th>
<th>Client Issue</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rent to Own</td>
<td>100012</td>
<td>Debt Collection</td>
<td>Client is being sued for $146.59 for failing to make payments towards a debt. Client agrees that she owes the debt. There are no judgments entered in the case. Client paid approximately $300 toward the debt and would like to work out a settlement for the remaining amount. Judgment Hearing: 7/23/18 at 1:00PM. Trial: 8/3/18 at 10:00AM.</td>
</tr>
<tr>
<td>Landlord</td>
<td>100013</td>
<td>Debt Collection</td>
<td>Client is being sued for $932.00 for failing to make payments towards a debt. Client agrees that she owes the debt. There are no judgments entered in the case. Client paid approximately $300 toward the debt and would like to work out a settlement for the remaining amount. Judgment Hearing: 7/23/18 at 1:00PM. Trial: 8/3/18 at 10:00AM.</td>
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FREE Upcoming Training & Volunteer Opportunities:
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January 10- Advocating for Trafficking Survivors: The Collateral Consequences of Criminal Records and the Availability of Criminal Record Relief in Maryland

January 16 – Staying Afloat: Assisting Tenants with Water Bills
FREE Recorded Trainings:
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Recordings of past trainings are available in the following categories:

- Consumer
- Estate Planning & Estate Administration
- Expungement
- Family Law
- Housing
- Human Trafficking Prevention
- Tax
- Miscellaneous (business and soft skills)
NOT A VOLUNTEER?

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https://mvlslaw.org/available-cases/apply-to-be-a-volunteer-lawyer/