



PHOTO PAUL WRIGHT

going solo

BY DARYL-LYNN CARLSON

LAWYERS WITH EXPERIENCE RANGING
FROM NOTHING TO SIX YEARS SHARE TALES OF STARTING
THEIR OWN PRACTICE

Likely there's no lawyer in the country who hasn't daydreamed about going solo; the freedom, fulfilment, and flexibility of self employment surely has its allure even on a good day at large a firm.

Perhaps an office at home, the prospect of managing client files from beginning to end, logging some meaningful court time, and just slowing the speed of the treadmill are enticing notions, not to mention the fact that there would be no partners with whom to share the pie.

But then, there's the reality of going solo: costs to set up aforementioned office, the prospect of searching for clients to have files to manage, getting prepped for court alone, and the fear that the treadmill might come to a screeching halt all serve to negate any misgivings of sharing profits with partners. And so but a dream, for most, it remains.

Yet for those who've set out on their own, the challenges have been well worth it. Autonomy, they propose, has more pros than cons, and is an option by no means out of the reach of legal newbies freshly called to the bar.

"There are mornings when I wake up and I can't wait to get to the office," enthuses Hugh Robichaud about running a now-thriving sole practice in Meteghan, N.S. "I am very happy. It's a very good feeling to have, to love what you do."

Robichaud, who wrote his bar exam in 2001 and launched his solo practice just two months later, says he decided while articling that he'd rather set out on his own. He attributes his drive and success to an entrepreneurial upbringing in a family lobster-fishing business and the persistent pursuit of a childhood dream. "I always wanted to be a lawyer," he says. "I remember in Grade 6 asking my dad for a briefcase for Christmas."



There's something about working for a dollar and knowing it's your dollar you're working for.

— PETER BRAUTI

GET A GOOD GAME PLAN

"Do what you love and the money will come." That's the advice of Heather Suttie, a law firm marketing consultant of Heather Suttie & Associates based in Toronto who has helped facilitate the solo practice of several — albeit established — lawyers leaving big law firms to strike out on their own. "It's just as challenging for someone starting out as someone who is embedded in a firm," says Suttie of the prospect of establishing a new client base.

She advises that lawyers keep a tight focus on a practice area that they are strong in, despite client requests and other opportunities to dabble outside of one's expertise. "Try not to be swayed into doing everything that comes along because you'll lose your focus fast," she affirms. "It will become distracting and then, money starts to rule."

She suggests that lawyers be introspective and give serious thought to their personality type when developing a marketing plan to determine what elements of networking will work best. For instance, some lawyers are good public speakers, which is an ideal means of selling expertise, she says.

At the popular web-based resource www.MyShingle.com, tailored for solo and small law firms, there are a number of "personality" tests to determine one's character strengths, which the site also affirms is integral to measure when setting up a small practice.

Suttie says lawyers should develop a succinct mission statement, written clearly and with passion, that defines the practice and can be shared with colleagues, other professionals, and prospective clients. "Define what you do," she asserts. "When it's very tightly packaged, people will know how to help you. Keep it real, say, 'This is who I am and this is what I love,'" she says. "Enthusiasm is contagious."

Networking among various organizations and practice area groups will be valuable to establish contacts, she suggests. Develop a handout or web resource of tips on a topic included in your practice that people will appreciate as added value so they'll know who to turn to if they need more advice, she says.

And finally, ensure goals are set for the long term and don't become blindsided by "instant success," she says. "Instant success, if it happens, can be so fickle and fleeting." Rather, try to infuse a variety of clients and cases to maximize your experience and exposure.

— DLC

But Robichaud, like the other lawyers interviewed for this story, has also accrued "life experience" in other ventures beyond law that is vital to building a successful sole practice. For Robichaud, besides growing up in an entrepreneurial environment, he actually ran his family's fishing business for several years, quitting university to take the helm after his father had a heart attack. Coupled with business savvy, Robichaud also holds a degree in commerce and has close ties to his community, a rural region that is under serviced by lawyers and within which he grew up.

That's not to say he hasn't faced challenges. The bank, he shares, declined him a line of credit because he had outstanding student loans. "I've never missed a payment in my life. I asked for a loan and I was declined. I was completely baffled." He turned to his brother, borrowing \$15,000 just to get equipment to launch a home office, and remembers, "In the first six months of my practice, I really didn't make a lot of money. I think it actually cost me \$25,000 in first six months," including paying back the loan, he says.

Innovation counts

To generate business, Robichaud would travel to his parents' home in a neighboring town, put a sign on the front lawn and see clients there once a week in the evening. He quickly established ties with legal aid offices and drew

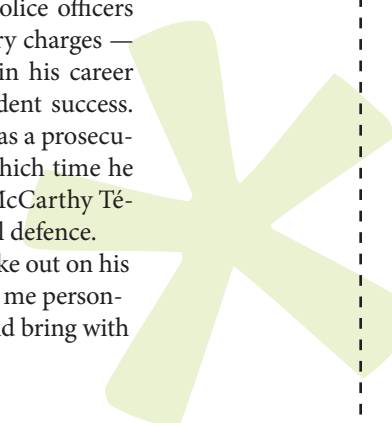
on the advice of a local, established practitioner, who recently retired, enabling Robichaud to take over that practice.

Today, Robichaud says his practice continues to grow "exponentially," although the learning curve continues. "Every person who walks in the door is a learning experience. You can end up working nights and weekends to find a precedent for what you want to do," he says. "You don't have a person in the other office who you can walk in and say so and so wants this, how do I go about it. So you have to do your own research or pick up the phone and call people who have busy schedules themselves."

Experience, contacts, and an entrepreneurial spirit are integral to solo success, although Toronto lawyer Peter Brauti is taking the concept of exponential growth to new heights.

Brauti defends professionals, such as police officers and doctors, against criminal and regulatory charges — a niche expertise he established early on in his career that's been the foundation of his independent success. He worked four years following law school as a prosecutor in the Department of Justice, during which time he logged hundreds of trials, before joining McCarthy Tétrault LLP for two years to practise criminal defence.

In 2005, Brauti decided it was time to strike out on his own. "People were calling up and asking for me personally, so it appeared there was a market I could bring with



me” he says. While firms don’t normally facilitate client movement, Brauti’s practice is unique and he maintains close ties with McCarthy Tétrault. “A big part of my success is keeping good, positive relationships,” he imparts.

Once he left, Brauti joined forces with Peter Thorning, formed Brauti Thorning LLP, and the pair secured office space for eight lawyers. “We were a little nervous about that because here we were on day one plugging in the phones with enough space for eight lawyers,” he reflects. “Overhead is something you have to keep your eye on, but the plan was always to expand and believe in ourselves that we would gain a large enough portion of the marketplace that we would be hiring.”

Brauti, who has never lost a trial, admits the downsizing took some getting used to. “Coming from McCarthys, if you need lunch brought to your desk, you pick up the phone. So it was a bit of a culture shock to realize you don’t have any paper clips and running to Grand & Toy yourself. You have to brace yourself for the fact that you don’t have the support you would have at the government or McCarthy Tétrault.

Brauti Thorning LLP just this summer has moved, this time to a tony Yonge Street address in Toronto at which the firm hopes to achieve a contingent of 20 lawyers.

Finding demand

While the firm Brauti is building is what many lawyers setting out solo are seeking to escape, it exemplifies the reward for ambition and creativity no matter how far along one is in the profession.

Judy Eagle was called to the bar in June and hung her own shingle in Flin Flon in northern Manitoba last month. An honours graduate in psychology, Eagle worked most of her life so far as a counsellor therapist before deciding to switch to law. Her law office is based in a renovated house next door to her home. She is one of five lawyers serving Flin Flon and the surrounding region, and the town’s only female practitioner. Drawing on past experience, Eagle has no doubt she will be successful.

“I want to serve my community in a very holistic-type way so that when people come to me with whatever problems they have, based on what I know from the past, they won’t just be telling me about their legal problem, they’ll tell so much more about themselves if they have trust,” she says. “So I will be serving also as a referral and a resource for people who need assistance in other areas if they indicate that to me. Lawyers often do that anyway.”

To gain familiarity with the practice of law, Eagle chose to article in The Pas legal aid office — another under-served region short on counsel that was also a draw for 2004 law

There are mornings when I wake up and I can’t wait to get to the office. I am very happy. It’s a very good feeling to have, to love what you do.

— HUGH ROBICHAUD

grad, Lori Anderson. After graduation, Anderson set up a solo practice in The Pas, although she also maintains a home in Winnipeg. “I needed to have a very quick start,” says Anderson, a single mom of four kids aged between 18 and 25. “What I had heard was that people who were getting out of law school were finding large centers competitive, they weren’t getting their income up very quickly. When I realized you could make a lot of money, get a lot of diverse cases, and have a practice very quickly, a smaller community seemed like the way to go.”

Anderson is focusing her practice on family and criminal matters, working from an office in The Pas then returning more than 600 kilometres home to Winnipeg every other weekend to be with her kids. “Because there are so few lawyers in the north, if I stand around [the courthouse] I get cases,” she jokes.

She says the hours are long, but the rewards are worth it. “I’m making good money, but sometimes it’s difficult and a lot of extra hours.” Anderson’s is an arrangement she hopes will be temporary, but has afforded her valuable experience to perhaps set up in Winnipeg soon. “As sole practitioner, your time is your own and you work as hard as you want to work.”

Lawyers’ reasons for going solo are diverse. Aida Abraha graduated from McGill University in 2004, received her call in Ontario in 2005, and opened her own firm to be able to practise in the field of her choice. She had articulated at a mid-sized labour and employment law firm but longed to practise immigration. So she took six months off to plan, network, and research the possibilities before taking the plunge. “I wanted the lifestyle and control over the direction of my career,” she says simply.

Through research and networking, she found shared office space in downtown Toronto with two other, experienced lawyers who also work independently. She says the

VALUABLE ONLINE RESOURCES FOR GOING SOLO

Canadian Bar Association’s Practice Link has a section for new lawyers and students called Starting Out:
www.cba.org/cba/PracticeLink/SO

Billed as “the online guide to starting a law firm,” MyShingle.com is a vast compilation of resources:
www.myshingle.com/my_shingle/online-guide0505.html

Toronto Lawyer Garry Wise blogs on tips and advice on the challenges of launching a startup solo practice:
wiselaw.blogspot.com/2007/02/starting-law-firm.html

The American Bar Association offers information and tips under its general and solo practice group:
www.abanet.org/genpractice/resources/startafirm.html

Jim Calloway, the director of the Oklahoma Bar Association’s management assistance program, provides help at:
jimcalloway.typepad.com/lawpracticetips/starting_a_law_practice/index.html

Wisconsin’s bar association compiles sources from across North America, including British Columbia:
www.wisbar.org/AM/Template.cfm?Section=Starting_a_Practice

Law.com is a valuable resource and has ongoing small-firm news, resources, and practice tips:
www.law.com/jsp/law/sfb/index.jsp

The Find Law online resource for lawyers includes one for starting a practice:
practice.findlaw.com/law-firm-starting-up

— DLC

I knew if I opened my own practice I would need mentoring and some guidance, so I decided early on that I would find a place where I’d be with other lawyers.

— EVE SCHWARZ

research leading up to launching her practice was invaluable, such as the need to obtain law society templates to properly maintain her practice finances and finding resources such as MyShingle.com on the web.

Abraha starts work at 8:30 a.m. and leaves at around 7 p.m., often taking work home, and routinely goes in to her office on Saturdays to do accounting. Now well into her second year of practice, business has picked up, although she advises to colleagues contemplating going it alone, “The first few months are going to be slow.” She suggests lawyers use the time to “organize yourself, your precedents, templates, and study, attend, and observe court proceedings. That’s what I did.”

Ambition pays

Abraha joins the chorus of lawyers who attest that diverse life experience is essential. “If you’ve just finished articling, make sure you do have some life experiences behind you,” she advises. I’m not a mature student, but I’ve travelled and worked abroad, worked in various government agencies. “You have to be a self-starter, you have to be a good researcher. You’re not going to have someone next to you who’ll be right there when you need something. You really have to be creative to find the information on your own when you’re pressed for time,” she says.

“So when they say ‘sole practice,’ you really are on your own. You really require good judgment on so many levels. It helps to have that life experience so you’re confident in yourself.”

Similar to Abraha, Eve Schwarz hung her own shingle in Toronto to practise in her field of choice, which was a radical switch from the bank-fraud-focused corporate work she was doing at a mid-sized firm in Toronto the first four years after graduating. Schwarz preferred family law and, in 2005, she made the leap. “I really didn’t think about it that much,” says Schwarz. “I’m not saying planning isn’t a good idea, but if you analyze it too much you’re probably going to be paralyzed.”

She, too, found office space she shares with two lawyers her senior from whom she can learn. “I knew if I opened my own practice I would need mentoring and some guidance, so I decided early on that I would find a place where I’d be with other lawyers.”

In the beginning, Schwarz cautions that new, solo lawyers can expect to spend more time finding their way than what they’ll get paid for. She once invested 120 hours on a file worth a 40-hour retainer. “You can’t charge for a lot of your time,” she affirms.

These days, Schwarz says her practice is busy, although she believes she’s found a golden marketing tool in the Yellow Pages. “It’s been a phenomenal resource for me” she says. The ad deadline for listings in the Yellow Pages is January, she shares, and they hit the streets in June, “So open your practice in May or June. Once the Yellow Pages ad was in and running, oh my God,” she says of the constant phone calls.

Indeed, it’s clear that running your own practice is a slog — at first. The hours are long, the environment lonely, and there’s not going to be much money in the petty-cash kitty for at least the first six months.

But those practitioners who are innovative, determined, and resourceful are sure to succeed. And in the end, the reward is huge. As Peter Brauti attests, “There’s something about working for a dollar and knowing it’s your dollar you’re working for.” ■