

I PASSED THE BAR EXAM — Now What?

By Derek Andrew DeBrosse

It has not been an easy road and it appears to keep getting harder, but in the end through perseverance I know that opening my own law practice right out of school was the right decision. I'm now in my third year as a solo practitioner, and while it has not always been easy, it has been an exciting ride — one that I hope will continue. I want to share some of the lessons I've had to learn the hard way so any of those who finds themselves in my shoes might (hopefully) have an easier go.

Sell a Product

One lesson I learned early on is that while lawyers are in the service business, we are still selling a product. When I first opened shop, I offered free consultations. Dozens of clients — crazy and irrational clients — took me up on the offer. I met with clients who had no intention of hiring me, clients who had absolutely no case, and clients who had no money to pay my fee. For the most part, they wanted someone to talk to, someone to hear their story. They had plenty of time to talk and, because I had no other clients, I felt obligated to sit and listen.

I certainly offered a “service” to those early clients, but it was not the service I had gone to law school to provide. Perhaps more important, it was not a service that paid the bills. I quickly realized that getting paid meant *selling a product* to my clients. Today, I still occasionally find myself in a consultation with a less-than-premium client. But now I evaluate their needs quickly, state my fee up-front, and explain my payment options.

If the client has a question, I offer to answer it in the form of a legal memorandum. For impecunious clients, the memorandum is a way for them to get an answer to their question, to get a physical product in their hand, and for me to profit from sharing my legal knowledge. Learning how to limit my time with clients who didn't really need or want a lawyer, and how to offer a different kind of service to clients who couldn't pay to retain me for larger projects, quickly contributed to my bottom line. Today, I spend much more time actually practicing law and much less time trying to sell my services to clients who have no intention of buying them.

Keep Overhead Low . . . To A Point

When I started my practice, I hesitated to commit myself to a long-term commercial office lease. The plan was to keep overhead low by running my practice out of my home. At the time, however, I rented an apartment in a blighted part of the city. Soon,

*"Nothing in the world
can take the place of persistence.
Talent will not; nothing is more
common than unsuccessful men
with talent. Genius will not;
unrewarded genius is almost a proverb.
Education will not; the world is full of
educated derelicts.
Persistence and determination are
omnipotent. The slogan “press on”
has solved and always will solve the
problems of the human race.”*

— Calvin Coolidge

I realized that I could never bring a client to my “office.” A client who feared for his personal safety at his lawyer's office could never turn into a long-term business prospect.

Financially, things got much worse before they got better. After months of working from my home, I had only a few hundred dollars left to my name. It was time to put it all on the line — make my business a success or move back home with my parents. I rented an office but, by setting up shop away from the courthouse and the downtown businesses, I kept my rent low. Having an office where I can focus on work and meet clients was a turning point in my young career. It showed my clients that I was a “real” lawyer, and it reminds me every day that my business is real.

Be Prepared

Like most new solo practice attorneys, I found that court appointed work is a steady stream of revenue. I quickly made sure I was on every list I could find. In addition to regular business, indigent work is an excellent learning opportunity — I got to see the inside of a jail for the first time! In addition to compiling a list of reasons not to commit crimes, the jail also taught me how to deal with career criminal clients who are more seasoned in their trade than I might ever hope to be in my own. Until that day, I had always dealt with petty criminals — people who had only run

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afoul of the law once or twice, and who really had no idea what to do or expect from the justice system. I prepared for my standard speech about how arraignments work, how bond could be obtained, and what a plea bargain was. This client, however, asked me questions that I was not prepared for and indeed could not answer. Soon, he was teaching me. He told me what the potential outcomes we might expect, what the different ranges of sentences he might expect, and the sorts of plea deals he anticipated. This was a truly humbling experience for me. All clients are not created equal, and given this man's record, I should not have allowed myself to get into a position where I knew less about my client's business than he did. Clients want to know they are in good hands. Today, I closely review my client's background – civil or criminal – before our first meeting so that I am able to understand and speak intelligently about any concerns that he or she might have.

Watch Your Time

For lawyers, time truly is money. It took me a matter of months to realize that time is an attorney's stock in trade. I am shocked when I think back on the number of hours I wasted by not charging clients appropriately or simply making poor use of my time. One major problem was that I felt like I needed to land every client that walked in my door, regardless of the individual's ability to pay. When they couldn't hire to litigate, I would offer to outline their case and options in a memorandum, which they invariably also could not afford. I would offer to do the work, for example, for ten hours at \$150 per hour. They would offer me \$200 total, and I would take it. I would then oftentimes proceed to spend, in some cases, twenty odd hours doing the work. With more business walking in the door today, I feel more comfortable letting some of it walk out. If a client can't afford to hire me, I try to be flexible with my payment options, of course. But I quickly learned the error of doing work for any amount that a prospective client was willing or able to pay. By accepting work at too low of a rate, a lawyer over commits himself to the exclusion of more profitable opportunities that may come down the road.

I made a huge number of business mistakes as a new lawyer, and I am still learning as I go. The solo and small practice learning curve is steep, but the rewards are substantial. Don't be frustrated by mistakes. Learn from your errors, become a better lawyer, and keep pushing forward.



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