Why You Should (and Should Not) Open a Solo Law Practice

By Harrison Barnes from Los Angeles Office Managing Director

Something that many attorneys do not think about when they decide to go to law school is that a law license is essentially a business license that gives you the right to go out in the market and charge for legal services. The true value of passing the bar is not necessarily that you can go to work for someone else—it is also that you can go to work for yourself in a business that not everyone can do. A law license is a business license that is not easy to get.

One of the uses of your law degree may be starting your own solo law firm. There are many attorneys who are legitimately suited to being solo practitioner attorneys and are happier and more successful doing this than they would be doing anything else.

A few facts about solo practitioner attorneys:
You can be a solo practitioner attorney right out of law school, or you can start your own solo practitioner law firm after a few years of practice.
I have seen law students start their own practices after passing the bar exam—and succeed at it. I know of one solo practitioner who graduated at the very top of his class from a Top 10 law school a few years ago and decided to start his own solo practice as soon as he graduated. He was more interested in doing this than anything else.
I have seen attorneys from major law firms start their own solo practices after one to several years of practice. I have also seen partners in large and small law firms start their own solo practices after practicing law for some time.

Keep in mind—if you start your own solo practice, there is no reason it has to stay solo forever. Plenty of solo practices grow into large law firms over time. You can have a large law firm or a small one. Many good-sized law firms started out as solo law firms.

There are some people who will never be happy working for someone else and want to do everything on their own. There are also people who are uniquely suited to practicing law—but should not be working for others. If practicing law excites you but working for others does not, then you may be a good candidate for starting a solo practice.

Top Three Reasons Why Attorneys Start a Solo Practice

There are many reasons why you may want to start a solo practice. The absolute best reason is simple—because you want to.
If you enjoy practicing law but yearn for a different environment, it is likely that there are certain things about being a solo practitioner that truly appeal to you. These are the most common reasons why attorneys take the leap and start a solo practice.

**Because You Want to Take Charge of Your Own Destiny**

I would estimate that at least 40% of the attorneys who start solo practices do so because they want to take charge of their own destiny.

Once you start your own law firm, you will be in charge of what happens to you. You will be in charge of your income, the sort of work you do, the people you work with, where you work, how much you work, and more. If you work in a law firm with other attorneys, you are typically dependent on others to advance. When you work in a law firm, for example:

- **You will need to have your work questioned.** You will not just be accountable to your clients for the quality of your work; you will be accountable to other attorneys in your firm. If you are a solo practitioner, if you make a mistake you are only going to be accountable to the client--and they may not even know about it.
- **Other attorneys will decide what you do and do not work on.** It does not matter what sort of work you enjoy doing. If a law firm wants to give you a certain type of work, your preferences do not matter. I once knew a senior associate who was fired within an hour of turning down an assignment from a powerful attorney in his law firm. If you do not want to do an assignment right then and there--or even do a certain type of work--you do not have to if you are a solo practitioner.
- **You can lose your job over anything--even an inconsequential mistake.** I've seen attorneys fired for sleeping in and being thirty minutes late to a closing. You can go to a Top 10 law school, do great there, and still lose your job because you slept in once.
- **The law firm will even decide what type of clients you can bring in.** Law firms will dictate the type of clients you are allowed and not allowed to bring in. You could have the opportunity to bring in a client that would generate millions of dollars a year in a law firm and lose it because (1) a more powerful attorney is jealous...
and lobbies to not let you bring the client in (I have seen this), or (2) the law firm has a conflict with the client. **Your compensation will be controlled by others.** While law firms pay associates at certain levels a specific amount of money, and specific amounts for bonuses, many do not. The compensation of partners can also be subjective. If you are a solo practitioner, your compensation is controlled by your own ability to bring in clients and money.

**You will need to have face time in the office.** Most law firms require their attorneys to spend time in the office. If you are a solo practitioner, you can spend as much time as you like working outside the office. You do not need to come into the office if you do not want to--or even have an office at all. Many solo practitioners work out of their homes.

**Someone else will likely hire your secretary and receptionist.** If you work in a law firm, you are not usually responsible for hiring your secretary and receptionist--someone else will be. This means that you may have someone working for you who you do not like, who is incompetent, or who makes you feel uncomfortable. If you have your own practice, you will have control over who you choose to work with.

**You will be subject to the political climate inside the law firm and the changing power structure there.** Law firms are always changing and have different power structures that can change quickly as well. You can be in one day and out the next. I once saw a firm merge with another, and within a short time the dominant firm started forcing out all of the attorneys who were part of the weaker acquired firm. When you have your own law firm, you do not need to worry about any of this.

**You may be expected to work massive hours in the firm.** Law firm associates and partners in the largest law firms routinely work 2,500 hours or more per year. This sort of workload and lifestyle can take a massive toll on your health. If you decide to start your own practice, you can control your own hours--and if you are working massive hours, this effort will go directly to your bottom line.

**You will likely be limited to doing work in one practice area.** If you are in a law firm, you are most often going to be limited to doing work in one practice area. If you have your own law firm, you can do work in whatever practice area you choose.

**If the law firm fires you, they can blackball you and ruin your career.** I have seen law firms fire people and make it impossible for these attorneys to ever find work again because they give them such negative references. If you have your own law firm, this will never be a problem for you.

It is not only law firm attorneys who start solo practices, but attorneys who are in-house, with the government, or other situations as well. Any type of attorney may decide for one reason or another to start a solo practice.

The attorneys who are the most successful at starting solo practices often come out of law firms where they see how things are being done in a certain way, and they decide that they have ideas for doing things better. They believe they can provide legal services more cheaply and efficiently to clients. They see mistakes in the bureaucracy of the law firms they work in and want to change their work environment. In short, the attorney looks at the existing business inside of the law firm where they are working and believes there is a way to do it better.

One of the most important things inside of a law firm is to be perceived as willing to give more than you receive from the law firm. In fact, you should be perceived as not even keeping score at all. Attorneys who are perceived as keeping score are often quickly discarded or run into all sorts of issues in the firm. If you ask about bonuses or other benefits in an interview, you will almost always not be hired. Law firms want to hire people who are willing to contribute everything they can to the group without question.

When you have concrete reasons for wanting to start your own solo practice, such as being in charge of your own career or not being accountable to other people, you are much more likely to be successful.

**See also:**
*The Real Reason Why Most Attorneys’ Careers Are Out of Control: Do Not Allow Others to Be in Control of Your Career and Life*
You Have to Start a Solo Practice Because There is Nothing Else You Can Do

On the flip side, I would estimate that at least 50% of attorneys who start solo practices do so because they have to.

Attorneys who have to start solo practices will often do so because they cannot get a job—or the jobs that are available are not desirable. There are many reasons why an attorney may not be able to get a job. **The attorney lives in a remote area where there are few jobs available.** There may not be law firms, companies, or even government offices that are hiring attorneys. If this is the case, the attorney's best option is often going to be to start their own law firm—and many attorneys do just that. It is very common for attorneys in remote areas of the country to have no other option than to start a solo practice. **The attorney did not go to a great law school, did poorly in law school, or has other issues.** There are many law schools that are not well-regarded by employers and many attorneys who do poorly in law school. If you do not show an aptitude for practicing law, it can be difficult to get employers interested in you and it might make sense to start your own practice. **The attorney has a disability, a criminal record, or something else that is negative in their background.** It is possible to become an attorney with a criminal record, but not always easy. I know of several attorneys who are very good attorneys but are blind. Attorneys can be involved in scandals that frighten away employers. Regardless of the reason, many attorneys become solo practitioners because they have no other choice. **The attorney may be too young or old and unable to get a position due to their age.** The attorney may be too young—I once saw a 19-year-old law school graduate unable to get a job because he was only 19. I have seen attorneys in their 80s who still have a desire to practice law but are unable to get jobs. Age can be a major barrier to many attorneys getting positions with law firms. **The attorney may have a visible drug or alcohol problem.** There are lots of attorneys who have well-known serious drug and alcohol problems and are unable to get jobs. Their issues are obvious and everyone who encounters them realizes there is a problem. Even if they do find jobs, they quickly lose them when their issues come to light. **The attorney might be a misfit or have other issues that make it difficult for them to find work.** Not everyone can fit in with a group of people. I once represented an attorney with hair down past his buttocks who refused to cut his hair. He also refused to shave, take care of his hygiene, or dress appropriately for interviews and work. He had graduated near the top of his class from a very good law school, but no one was interested in hiring him because of his attitude and inability to fit in with others. **The attorney may not work well in groups.** Certain people simply do not get along well with others. If they do manage to get hired, they often are not kept around for long. **The attorney cannot keep a regular schedule.** I once knew an attorney who had issues with sleeping at night and could only start work in the late afternoon. I have also known mothers who spent most of their days taking care of their kids yet still needed to work who started solo practices.

If starting a solo practice is your best and only option, then by all means you should.

For more information, see:

- The Only Six Factors Prestigious Law Firms Care about When Hiring Lateral Attorneys
- Top 30 Factors Large Law Firms Consider When Hiring Lateral Attorneys
- Because You Do Not Know What Else to Do

I estimate that approximately 10% of attorneys out there start solo practices because they do not know what else to do. While this may sound very misguided, it can actually work out.

When an attorney knows they do not want to work in a law firm or another practice setting, but is also confused about their career path, the attorney may choose to start a solo practice.
I know of numerous attorneys who just sort of fell into starting solo practices. In one instance, an attorney was laid off from a major law firm, and then people started giving him work to do. Pretty soon, he had a thriving legal practice even though he had never intended to start one on his own. Many attorneys start solo practices because they graduate from law school and are unsure how to find a position. Older attorneys start solo practices after having long careers and people give them work after they are on their own.

But as a general rule, if you are going to have a successful solo practice, then you should probably have legitimate reasons for wanting to do so. Attorneys who fall into solo practice-related work do not often have compelling reasons for being committed to this type of work. If you are not fully committed to the work, then the odds are that you will not stick with it.

**The Biggest Drawbacks of Starting Your Own Solo Practice**

There are huge drawbacks to starting a solo law firm practice that most attorneys never think of. *When You Are a Solo Practitioner, You Need to Get Your Own Work*

The most obvious and serious drawback of having your own solo practice is that you will need to get your own work and stay busy all the time. While some attorneys who start their own practices will bring work with them, most will not. In order to start and grow their practices, they will need to figure out how to bring in work. This will mean advertising, networking, and doing all sorts of things to try to generate business.

In order to run a successful solo practice that will support you financially, you will need to be able to bring in work. This work should not be episodic, but constant. You need to generate work on an ongoing basis--you cannot just sit and wait for work to be given to you like you would in a law firm or in-house job. An attorney who is most suited for having their own practice is not bothered by the prospect of having to bring in their own work, yet many attorneys are. If you are going to start your own practice, you will need multiple sources of work and not just from one or a few clients. To consistently stay busy over time, you need to be able to generate work from lots of potential clients.

The majority of solo practices that I see start end up failing because the founder cannot bring in enough work. Most attorneys out there are not skilled at bringing in work, do not know how to do it, or simply have no interest in doing it. If you are part of this group, then you will have a difficult time.

**See also:**

*Why a Law Degree is Actually a Business License: Why Attorneys Should Treat their Legal Careers Like a Small Business*

*When You Are a Solo Practitioner, You Need to Hire People to Help You*

Most solo practitioners will need to have someone help them with the work they are bringing in. While it is theoretically possible for a solo practitioner to do everything on their own, most will require people to assist them with various tasks. Once you start hiring people to help you, this means you will need to be able to manage them as well. You also assume responsibility for paying them. If you are a solo practitioner, it will be much more difficult for you to recruit and hire highly-skilled attorneys, secretaries, and others to help you because you will not be perceived as offering the potential income, prestige, or stability that larger law firms do.

*When You Are a Solo Practitioner, You Need to Take Care of Office Space, Ordering Supplies, and More*

Once you have your own solo practice, you will be in charge of finding office space, ordering supplies, and similar tasks. While this may not seem like a big deal, it is a distraction from what you were likely doing in your previous job. You will also need to deal with IT issues, making sure that your computers and printers work, and all of the other necessities of running a law firm.

*When You Are a Solo Practitioner, You Are Alone*
One of the biggest drawbacks of having your own practice is that you will be alone and not practicing with a group of people anymore. Being around people gives you others to chat with. Other people also share information, which can be a source of motivation and entertainment. Not being around others can be very isolating for some people. You may start to feel bored. Many attorneys with solo practices have a very difficult time on their own because there is no one for them to talk about issues with. Not able to speak with others, they feel tremendously isolated and alone.

**When You Are a Solo Practitioner, You Need to Keep Yourself Motivated**

When you are working inside a law firm or a company, you generally have all sorts of other people and external sources for motivation. You have expectations to work a number of hours, deadlines to meet, and more. It is often much more difficult for people to stay motivated when they are on their own than when they are around others. The presence of others pushes them to get to the office, put in their best effort, and not disappoint anyone.

**When You Are a Solo Practitioner, Your Skills Are Likely to Deteriorate**

Once you start your own practice, there is a strong likelihood that your skills may deteriorate as well. Because your work is not being checked over by others, you may gradually start to let things slide. Over time, without others to discuss cases and ideas with, your skills will likely deteriorate as well.

**When You Are a Solo Practitioner, You Will Not Get the Same Respect That You Get from Working in a Law Firm**

Lawyers who work in law firms get respect simply from their association with the law firm. Once you are outside of a law firm, you may not get the same respect. Clients, opposing counsel, and others know that you do not have the resources that larger law firms have. The respect you get when you work in a larger law firm and can be difficult for attorneys to give up. Many solo practitioners end up getting pushed around.

**When You Are a Solo Practitioner, You May Work Harder for Less Money**

While it may seem that you should make more money working as a solo practitioner, this is just not often the case. Solo practitioners often spend a lot of time doing various administrative-type tasks that are not necessarily billable. Most solo practitioners also find themselves working on much smaller matters than larger law firms work on--therefore, they cannot bill as many hours. Most clients of solo practitioners are quite cost-sensitive about their bills and will not pay for a lot of hours, or simply cannot afford to do so.

**When You Are a Solo Practitioner, You Will Likely Have Difficulty Collecting on Your Bills**

Most solo practitioners have a lot of difficulties collecting on their bills. It is much more difficult to get paid as a small law firm attorney than it is for most large law firms. Solo law firm attorneys tend to do work for smaller clients, and these clients are more likely to be budget-conscious or strapped financially themselves. Unfortunately, it is common for many of these small law firm clients to not pay you at all.

**When You Are a Solo Practitioner, You Will Be in Charge of Your Own Medical Insurance and Other Expenses**

If you have your own law firm, you will need to find your own medical insurance and pay your healthcare expenses. This can be extremely costly, especially if you must also provide coverage to anyone you hire to help you.

**When You Are a Solo Practitioner, You May Need to Constantly Borrow Money to Get Started and Keep the Business Running**

Many law firms rely on lines of credit to get started and are constantly borrowing money to meet expenses. Some solo practitioners get in too far over their head and end up in serious debt.

**When You Are a Solo Practitioner, You Will Need to Build a Strong Reputation in Your Community**
In order to generate business, most solo practitioners need to be very active in their community. They join boards and various organizations where they can be seen--and thought of--when people have legal business to refer. Most solo practitioners find that being active in their community is a must.

**When You Are a Solo Practitioner, You May Want (and Then Regret) Having a Partner**

If everything listed above sounds difficult and tiring (it is), then at some point you are likely to want to get a partner to help you. I know of many solo practitioners who ended up asking others to help them after some time. But when you take on a partner, this can open up an entirely different set of problems to deal with. You may have disagreements with them about money, responsibilities, clients, who works harder, and more. It is important to choose your partner wisely.

**For more information, see:**

*Should You Start Your Own Law Firm? Top 10 Reasons to Start or Not Start Your Own Firm*

*When is the Best Time to Start a Solo Practice?*

The best time to start a solo practice is when you can no longer take working in a law firm, or when you need to start your own practice and have the energy to get one off the ground. If you know that you have no interest in working in a law firm and you are passionate about having your own practice, then it is a good idea to start immediately.

Sometimes it is a better idea to wait. The mistake that many attorneys make when starting their own law firms is that they do not get enough experience before doing so. Working in a large law firm is a very good thing because the law firm will train you and make you a better attorney. The longer you are in a law firm (within reason), the more trained you will be and the more things you will understand. If your goal is to be good at what you are doing, then the more training you get, the better. You want to know how to do excellent work before you go on your own.

**What Practice Area is a Good Place to Start as a Solo Practitioner?**

In most cases, you will be best off starting a practice area in something you understand. If you are a litigator, then do litigation. If you are a corporate attorney, then do corporate. If you are a patent attorney, do patent work--and so on.

Ideally, you should operate in a practice area that is in demand from people and/or small businesses that are most likely to hire you. Within your practice area, you should do the sort of work that large law firms will not necessarily do and in which you have a skill that is "niche" and other people in the market are not doing. If you are in a large geographic area with lots of attorneys, you will be better off specializing. If you are in a smaller geographic area without as much competition, you may not need to specialize and can do all sorts of work.

At one point in time, I considered becoming a solo practitioner in Los Angeles, and I investigated numerous practice areas. I wanted to do something where I thought I would have the opportunity to continually make money and would get endless amounts of business. The practice areas where I thought this was possible included family law, representing drunk drivers, regular commercial litigation, suing businesses for environmental violations, and a few others. Unfortunately, I was not interested in doing any of these practice areas.

The most important thing is that you are interested in whatever practice area you choose to specialize in. The more interested you are in the practice area, the more your passion will come through--and the better you will likely do once you get started. You do, however, always need to be aware of income and the need to keep it constantly flowing in.
Conclusions

For most attorneys, the biggest challenge of becoming a solo practitioner is that it requires a completely different set of skills than working for someone else in a law firm: You are running a business. Running a business means you need to get the word out about the business (promote it) and also manage your time and even others. Many attorneys prefer to have someone else do this work.

I work with solo practitioners on an ongoing basis who are eager to work in law firms. I recently worked with a solo practitioner who had a $3 million book of business and was clearing over $1 million, but was overjoyed to take her business to a law firm who paid her $700,000 and managed everything for her. Law firms help collect your bills, manage office space, provide you with marketing support, hire people to assist you, give you a brand name, and more. Law firms provide the attorneys who work in them a lot of value.

However, when you work in a law firm, the law firm is your boss. A law firm can also ruin you if you do something your superiors do not like. I know one partner who lost his job with a law firm and was blackballed because he wore jeans to work with a rip in the crotch--he was unaware that his underwear was showing and a female lawyer complained. I know of another lawyer with a huge book of business who lost his job and could not find another one because he had an affair with a younger lawyer he supervised. None of these things are proper, of course--but when you are with a law firm, someone is always policing your behavior and has the power to destroy you. Because of this, many attorneys prefer to have their own practice.

Of course, the benefits of going solo go way beyond not having a boss. You can build your own firm with your own rules and your own way of doing things. If you provide a unique enough service, you can also earn a ton of money with your own firm and achieve things you never possibly could in a law firm working for others.

Ultimately, your nature is going to drive you to start your own firm. You will know if it is the right choice for you, just by how the idea of doing so makes you feel.