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Ten Tips Learned the Hard Way

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At first, a three-month road trip to the West Coast and back may not appear to have a lot in common with starting a solo law practice. But having done both, I can tell you they share a great deal. Both were among the most exciting and rewarding adventures of my life, because each led to unexpected places, introduced me to fascinating people, and imparted important lessons.

Yet, planning for the road trip was considerably easier than embarking on a solo career. I simply plugged my destination cities into Google Maps, hit print, and climbed in the car. As it turns out, there are no analogous turn-by-turn directions for launching your own law practice. Sure, there are great references out there, such as Carolyn Elefant's *Solo by Choice* and Jay Foonberg's *How to Start & Build a Law Practice*. But these books can be pricey when purchased, and hard to track down at a library. And even with these guides in hand, there's no standardized checklist for getting a solo's dream off the ground.

Apparently the same is true to some extent for road trips as well; even those snazzy Google Map directions didn't warn me that postcard-esque Salina, Utah, on Interstate 70, would be my last chance to fill up the gas tank for over 100 miles. A tip from friends in Denver clued me in on that fact before it was too late. I was fortunate enough to be able to turn to people in the know for guidance

as I embarked on my adventure into solo practice as well.

Of course, even with the benefit of that guidance, I nonetheless encountered bumps in the road. Following are 10 tips on going solo that I learned the hard way. Hopefully, they will save new solos precious time and energy during the promising journey that lies ahead.

1. Get retainers; use your trust account.

When I launched my solo practice, I had the big, bright idea that not obtaining a retainer upfront—and thus refraining from billing until the end of my services—would be less work. The way I saw it was that by not requiring a retainer I would save considerable time standing in line at the bank to make transfers between my trust and operating accounts. Well, I was wrong. Who would have known that even the happiest client just can't seem to reach for that checkbook, even after you've saved the day? So, unless you're a major *Sopranos* fan with a burning desire to spend your days making collections across greater New Jersey, get a retainer upfront no matter how small the fee. And, of course, follow the appropriate professional rules when managing that retainer.

2. Share office space with other attorneys.

My first office as a solo attorney was on a remote desert island—the top floor of an office building full of doctors, only five convenient blocks from my apartment but over 10 uphill blocks from both the



courts and other law offices. I lasted about six months before moving to a suite of other attorneys. Turns out—even with phone and email—there is no substitute for basing your practice in close proximity to your bar colleagues. Increased face-to-face interaction not only leads to unparalleled opportunities for overflow work and general advice, but also heightened morale.

Even though going solo may be the most daunting challenge of an attorney's life, no one should lose sight of the fact that it's an option as old as the legal profession itself. There is value in simply being near others who have embarked on the journey too, and are surviving and thriving a little farther down that same road.

3. Never buy books.

There are a handful of resourceful books on going solo, and hundreds more practice guides that will be useful, if not crucial, during a solo's journey. But they're pricey (even when bought used) and can quickly compound a new solo's overhead. My belief is they should never be purchased. (Nor should they be stolen.) Instead, check a nearby law school's library. The library stacks you perhaps rarely visited as a law student will become a favorite haunt as a solo practitioner. What's more—if your experiences are anything like my recent visits to Seton Hall Law's Peter Rodino Library you'll find the staff will be more than happy to help with special requests.

4. Marketing takes time; don't feel guilty.

When I first opened my office, for every hour of billable work I did, I also spent at least another non-billable hour designing marketing materials, getting listed in print and online directories, writing website content, blogging, etc. At first, I was uncomfortable with this. I felt like I was doing something wrong. But think about it: Many solo attorneys (especially those new to the solo adventure) are burdened with the responsibilities of each and every role that would be filled by separate individuals at a larger law firm. This, of course, includes marketing, and eventually it will pay off. A new solo should rest assured that a non-billable hour of work can be just as valuable as a billable one.

5. Get comfortable with your cell phone.

A solo's cell phone can be a powerful tool—a little office in the palm of your hand. Email, office calls, faxes, files, statutes, and more can all either be accessed from or forwarded to a smart phone. This level of remote access to your firm may be unnerving at first, but it ultimately enhances your ability to practice prosperously, so embrace it.

6. Get a soundtrack.

The journey of a solo encompasses many uphill roads, lined with unexpected twists and turns. I surely had my share of tough moments during my first months. Heck, I still do. So how do I pull through? I have a playlist designed especially for those occasions; every solo should. Soloing is arguably the biggest leap you can take. It's cinematic, and therefore deserving of its very own movie score. Each solo's soundtrack will vary, but I'm happy to provide a few suggestions. If you're a solo with a soft spot for pop music, then try Jason Derulo's "Ridin' Solo." Fleetwood Mac's "Go Your Own Way" is perfect for the solo by-day/classic-rock-enthusiast-by-night. And "Defying Gravity" from *Wicked* is great for any solo Broadway buff at bar.

7. You won't always know the answer.

While this point technically applies to every lawyer, unlike an attorney in a larger firm, solos don't have a building, floor, or even suite full of associates who can quickly jump in when you draw a blank in front of a client. So, how can a solo prepare for this? Simple: Acknowledge it when it happens. Don't blow smoke in your client's face. Instead, be honest; your candor will be appreciated and respected. Of course, feel free to give your best educated guess, but don't go out of your way to avoid admitting you have a little research ahead of you before you're sure. And you can always comfort clients by assuring them that they won't be paying for your learning curve. That'll be music to their ears.

8. Learn to dodge solicitation calls.

Many of the most disappointing moments during the first months of my solo practice began with the excitement of an unrecognized number coming through on my phone. I just knew it had to be a potential client. Dollar signs seemed to float right off



the phone's screen as it vibrated. But it turns out, while an unrecognized number can be and often is—a potential client, it just as often is a sales call. And every one of those salespeople purports to have the copy machine, courier service, advertising package, or even binder clip that—if purchased—will send your business straight through the roof. Save yourself some time and get off these calls as quickly as possible. Your politeness can snowball into a 30-minute conversation, amounting to little more than lost billable time. If there is a tool or resource your solo practice needs, another solo attorney can recommend a vetted salesperson.

9. Watch out for per diem pitfalls.

Per diem work is a great way to make ends meet. But if you're new to it, beware. I mostly practice criminal defense, and did some per diem appearances in criminal matters when I initially went solo. "It's only a status conference—just get a new date," was the extent of the instruction I typically received. Sounded easy enough, but I quickly learned it's never just a new date. Nine times out of 10, it's plea cut off. And you find yourself tap dancing before a judge who is hungry for a disposition and in no mood for an adjournment, however brief. The solution? Know the case. Never do a per diem appearance without the file in hand, as well as a substantive conversation with the attorney of record first. If this is not possible, then don't take the gig. The fast cash won't be worth the damage your reputation will suffer from a poor performance in court.

10. Not even the happiest client will be... happy.

This is another point that applies to every lawyer. But if you're a solo who scores a big win and doesn't get that high-five from the client whose day you just saved, then who will be there to share that

victory? This past February, I successfully argued at sentencing for a three-year third-degree custodial sentence on a second-degree aggravated assault plea, in which the initial indictment included first-degree carjacking. I stepped into the hall with the defendant's family, expecting them to scoop me up and carry me out of the court house on their shoulders. It didn't play out that way. Instead, they insisted the judge's tone at sentencing was disrespectful (it wasn't) and demanded I do something about it (I didn't).

When a client or a client's loved ones behave this way, what can you do? Well, I always think about that cross-country road trip, when a tire went flat in the Rocky Mountains. After pulling off the interstate and finding the help I desperately needed at a mom and pop service station, I took a deep breath. I pictured my next destination (Las Vegas!) and the exciting possibilities ahead. If you're a solo who survives an unexpected detour, then do exactly the same thing. Keep your chin up. Pull out your calendar or to-do list. See what's coming up next. On a solo's journey, there's always another adventure—and with it a victory to score right around the corner.

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