



What I learned in ten years of practicing law

START YOUR OWN PRACTICE SOONER RATHER THAN LATER

It seems like only yesterday that I walked across the stage, received my law degree, and shook hands with a dean that I'd never met. My momentary elation at reaching this milestone and completing my legal education was short-lived. The next day, I returned to the very same law school to begin my bar-exam preparation. It felt like I'd never left, and that was because in a way, I hadn't.

Fast forward ten years. A full decade has passed. During the summer of my bar-exam preparation, I felt like time would never progress as I slogged through property essays and MBE questions. But looking back now I can proudly say it has. I learned a lot along

the way. There were stressful cases and sleepless nights. There were mean judges and even meaner court staff. There were unreasonable opposing counsel and insurance adjusters who manufactured non-existent law. But there were also many joyful nights, wonderful judges and mediators, and pleasant opposing counsel.

Yes, my decade of experience pales in comparison to some of our esteemed colleagues in the legal profession who have been practicing for 30, 40, or even 50 years. But ten years is nothing to sneeze at, either. In fact, a full decade of experience is an appropriate time to contemplate the past and reflect on what

worked, and what didn't. If you're a young lawyer or law student reading this, I hope my experiences and the following five lessons can help you as you begin to make your way in the legal world.

Start your practice sooner rather than later

Immediately out of law school, I interned at a government law office. I obtained the job myself, without the assistance of any law school counselors. At the office, I was given substantial responsibilities. I tried ten criminal cases and made countless court appearances. The trial experience was beneficial, but the position wasn't paid. I went along with

it for almost a full year because I convinced myself that I had no experience and needed the opportunity. Looking back now, this job probably violated my state's labor laws, but I did learn my way around a courtroom.

After my government internship, I worked for two small firms. The pay was abysmal, and the treatment was even worse. About two years after passing the bar exam, on a particularly rough day, my wife asked me a pointed question: Why don't you start your own firm? It was an excellent question, and one I thought about for weeks afterwards. But I kept putting it off because I had convinced myself that I didn't have enough experience and clients wouldn't hire me.

Then, a family member suffered a serious injury. I saw how hurt he was and how his accident impacted his life. I knew I could help him. My firm wasn't interested in taking the case, and that was the turning point for me. If they weren't going to help this injured person, then I was. I left the firm, and with that one case started my own firm. Was I scared? Yes! Did I have pits in my stomach? I sure did. I broke out in sweats for many nights. But I took a leap of faith, and in the back of my mind I knew things couldn't get any worse than they currently were.

Hundreds of cases and millions of dollars later, I can tell you I made the right choice. I took a gamble on myself, ignoring the naysayers and career counselors who told me I didn't have the experience clients needed. Not one client who hired me ever questioned my experience or my law school grades. All they wanted to know was whether I was a lawyer who could do the job competently and compassionately.

If I could go back ten years in time, I would tell myself to ignore the career services advice and law school job "announcements" that flooded my inbox. Several of the career counselors at my law school were not even lawyers or law school graduates. The ones who were either never practiced for substantial

periods of time, or they maintained inactive bar licenses. Why, I ask myself ten years later, was I relying on these people to show me the way forward? Their advice was largely inapplicable to those, like myself, who actually intended to enter and stay in the legal market.

If you're in law school now or just entering the legal market, consider working for yourself and starting your own firm. I wish I had done this earlier because I would have avoided years of needless stress and abuse. Work in an area you are passionate about. If you did particularly well in one of your law school classes – as I did in Torts – that might be an indication of what area in which you might enjoy practicing. Don't follow the herd mentality that your law school career services office promulgates. You don't need to put up with abuse and little to no pay just because you are a baby lawyer. It is a misconception that law students have been indoctrinated to tolerate for decades. Let's put an end to it!

Working as a solo or small firm is an area mostly overlooked by the law school environment. It doesn't have to be that way. My advice to ten-years-ago me – and to those thinking about starting their own practice – is to start right away. You will learn more, make more of a difference, and find more personal fulfillment blazing your own trail rather than following the stale path dictated by others. I do not for one minute regret my choice. You will not either.

You won't get every case

When I started my practice, I was brimming with excitement and enthusiasm. I told everyone I knew about my decision, with the hopes that they would send me cases when the need arose. Some did, others didn't. I still remember the case of a close family friend. He was an accomplished physician and he'd asked me to send him business cards right when I started my practice. I was excited at what the future held in store.

A few years later, this family friend and his wife were hit by a car in a

crosswalk one evening as they strolled about their neighborhood. I reached out, offered my sympathies, and waited for the call. It never came. I found out later that he hired a competitor's firm. This family friend had offered me encouragement in the beginning, but didn't give me the ultimate, personal endorsement when it mattered most. I felt let-down. Years later, as I think about it, this is one that still hurts.

The case of the close family friend taught me an important lesson. I learned that I wasn't going to get every single case. Sure, it didn't make much sense to me why this particular individual didn't retain my services. There could have been several reasons, or none at all. But this person didn't owe me anything, and for whatever reason he went with another lawyer. I hope he did well with his case.

Let this be a lesson to you. You are not going to get every case. You will get cases from surprising sources. And you will not get cases that should have been a slam dunk. Keep going. Don't let it get you down. Yes, it always stings when you miss an opportunity that should have been yours. At some point you will be faced with a scenario where it feels like people who should be helping you aren't. That's just the way of the world. Nobody owes you anything, and you'll have to work hard to make your way in a crowded field. But keep moving forward. Negligence and wrongful conduct isn't going anywhere. I've learned in my years as a personal-injury lawyer that there will always be another case, so keep your head up.

You don't need every case

We've established that you're not going to get every case. The corollary to this is that you don't need every case. I remember one of the first CAALA New Lawyer events I attended. It was just a few months after I had started my practice. Sitting in the room with me were about 40 other baby lawyers. I looked around and asked myself the obvious question: How were we all going to survive and get cases?

The first speaker then got up and started his presentation by saying, “There are enough cases for everyone.” Immediately, my mind was put at ease.

Each of us has a unique network of friends and family. We all have our referral sources and maybe even other lawyers who send us cases they don’t want. Be thankful for those who think of you. If there is a particular person or entity who refers cases to you, keep the lines of communication open and show your appreciation. When the time comes where you miss out on a case, don’t sweat it. Maybe you didn’t need that case, anyways.

Don’t take bad cases, even if you’re hungry

One small word to the wise. From time to time, especially in your early years of practicing, you may come across a questionable case or two. These are cases where there may be some liability, but little damages; or some variation thereof. Steer clear of these cases. Don’t take bad cases just because you are hungry for clients. We all know that to achieve a successful case outcome, many factors must align properly. If your internal equilibrium is off-kilter on a case, let it go. If your gut tells you that the client is problematic, take a pass. These types of cases almost always end up being more trouble than they are worth. Your time will be better spent on other, more productive pursuits. Just remember, there is enough business out there for all of us, and there is always another case.

Your fee is your fee

Clients don’t like paying lawyers. Our services are undervalued by many. People have no problem paying for other professional services; most peoples’ guts do somersaults when the time comes to pay their lawyers. It has always been that way. Nevertheless, your fee is your fee, and you should not be in the habit of reducing your fees to accommodate an unreasonable client.

The request to reduce fees comes in many shapes and forms. It may come pre-engagement, when a potential client uses the threat of engaging another lawyer as leverage to pressure you into reducing your own fee. Or it may come after the case resolves, when the client claims to have fallen on hard times and the only way he or she can achieve salvation is to eat into your contingency fee.

On a recent case I handled, I provided the client with an accounting of his upcoming settlement. He suddenly had amnesia as to my office’s contingency fee. I provided him a copy of the signed retainer, at which point he told me that he was on pain medication when he signed the agreement and didn’t remember the details. That one made me laugh. I patiently explained to the client that a deal is a deal, and to my knowledge, there wasn’t an “I was medicated when I signed the retainer agreement” defense to paying my agreed-upon contingency fee. Was it uncomfortable having this back and forth with my client? It sure was. But am I glad that I stuck to my guns and didn’t allow myself to be taken advantage of? Absolutely.

This is not to say that you should never reduce your fee. I explained to the same client that my office has reduced fees in past cases, for example, when there was not enough insurance to compensate the client. I do the same when a case outcome for whatever reason might potentially result in my office netting more than the actual client. When the circumstances call for a reduction, it is fine to make one. Just keep it slight. It is unreasonable for a client to expect an attorney to work on a case for months or even years, and then be the only one to take a haircut at the successful completion of a case. It is a disservice and conveys the message “your work is not worth what you are being paid.” Treat your clients with dignity and respect, but treat yourself the same way. You have bills to pay and

mouths to feed, just like everyone else. Your fee is your fee, and absent an extenuating or unusual circumstance, it should stay that way.

Keep investing in yourself

Practicing as a solo lawyer is a unique experience. We wear many hats. We are marketers, bookkeepers, office organizers, motion-writers, advocates, and many other titles. Practicing as a solo has also enabled me to invest in myself in ways I could not have done otherwise.

There will be down times, especially in your early years of practice. Use those times to your advantage by investing in yourself. Research that area of the law you’ve always been fascinated about. Write an article for a bar journal (like this one) or talk about an important case on your website. Attend MCLE classes and become proficient in a particular area of the law. Improve your marketing, and don’t be bashful or shy about promoting yourself. Others are not thinking about you as much as you are thinking about you, so make the most of it.

Opening my own practice has enabled me to do things I never could have done working for someone else. It has also given me pride in ownership. I now have skin in the game. I can decide which cases to take, and which ones I don’t want. I am always learning and trying to improve my skills, because at the end of the day, my clients are relying on me. Your clients deserve the best version of you. So never stop learning and investing in yourself. We can always be better. Before you know it, another decade will roll by.

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