



Time management for solo practitioners

TIPS TO ASSIST WITH PROTECTING YOUR TIME WHEN LITIGATING AND OTHER MANAGEMENT TIPS FOR THE SMALL LAW OFFICE

Time management for solo practitioners means balancing your time in a way that not only allows for your firm's survival, but also allows for the firm to grow. Running a law firm is no different than operating any other type of business. You cannot escape the required fundamentals in running a business: marketing, accounting, admin, managing employees, and cashflow.

So how much time does that leave you to litigate and try your cases? The answer to that lies in how creative, efficient, and innovative you are with technology and strategies for creating the time balance required to focus on your cases. On the other end of the spectrum – how do you litigate in a way that allows you to balance your time and handle the other required aspects of running your law firm?

Litigate zealously, but smart

Many attorneys take the term litigation to mean contending and fighting over everything in which they have a basis to fight on behalf of their client. However, the definition of litigation is simply “the process of taking legal action.” When it comes to time management for a solo practitioner, the

old adage “choose your battles wisely” is of utmost importance.

Defense attorneys, unlike plaintiffs' attorneys, bill their clients hourly and thus generate significant revenue despite what they contend or argue about. Time is money, and as a plaintiff's attorney our goals are to maximize resolution value of our client's case whether that be via settlement or jury verdict, while being as efficient with our use of time as possible. Maximum value while utilizing the least amount of time and resources is the formula for success. This is at the core of generating time away from litigation to allocate to the business aspects of running your firm.

Choosing your battles wisely entails being selective of the problems, arguments, and disputes that you get involved in. I hear colleagues often chatting about elaborate meet-and-confers and motions to compel on items and information when they could have simply taken a deposition and received the same information. Of course, there are times that it is imperative to file a motion to compel. However, as a solo practitioner, when motions to compel and other time-consuming adventures in

litigation can be avoided, they should. You must protect your time!

Some tips to assist with protecting your time in litigation include:

(1) Develop rapport with defense counsel. Yes, there are some defense lawyers who are the worst and ridiculously hard to deal with. Aside from those, I find that with most defense lawyers you can maintain a good relationship while still zealously advocating for your client. Grant them extensions. Only under rare circumstances do I not grant extensions. Offer to get coffee or have a drink with them to chat about the case generally, and more importantly, get to know them. You will find they are simply trying to make a living just like us.

(2) Strategize from the outset of your case what evidence is important and what evidence can be helpful but may not be necessary. Also, how to go about obtaining the evidence. This places you in a position as you go through litigation to choose your battles wisely.

(3) Embrace and use technology as a tool to help you with litigation, discovery and trial prep. There are numerous companies offering specific software that streamlines responding to and drafting

discovery at reasonable prices. These tips and others discussed below will help you maximize value while utilizing the least amount of time and resources.

Branding/marketing

Every business requires marketing in one form or another. But marketing without branding is like turning on the kitchen stove with a huge pot on top and no food or ingredient inside the pot. You know that you want to cook something but have no idea what you are wanting to cook. So, the best advice is to figure out what you want to cook first, put the required ingredients in the pot, and then turn the stove on.

How that looks for a business is spending time developing and understanding your firm's (and your personal) identity before you start marketing. Though solo practitioners may feel their personal identity is completely and solely the firm's identity, it is not. They are different and should be treated as such as the firm develops and grows.

This is because the firm can outlast the attorney, and as the firm grows, the firm's brand can be larger than any one person. Understanding this difference is important for growth and expansion. That said, it is especially important to brand yourself as a solo practitioner because your clients and referral sources are hiring you as the lawyer and not so much because you work for your law firm.

This means you need to know who you are as a person and as an attorney. You must know what it is that you are offering your clients and referral sources as to why they should choose you over every other firm in the state. As you understand who you are and what you will be offering your clients, you then become able to start determining who your target market is. Are you and your firm offering services that are more direct-to-consumer (usually prelitigation firms) or are you offering services that are more business-to-business (usually litigation and trial firms)?

After you have figured out your brand and who your target market is, you can

now begin to choose avenues for marketing. The ultimate goal, whether you are a litigation/trial firm or prelitigation firm, is to cut out all middle entities and receive your business directly from the consumer (the person who has been wronged).

To get there, marketing is a must. Word of mouth has always been an important aspect of marketing for all types of businesses. Historically, in our world of personal injury and employment law, we have seen firms choose transit marketing as the preferred choice. Transit marketing includes billboards, bus advertisement, taxis, and now, most recently, rideshare vehicles.

Since the internet age, search engine optimization ("SEO") has also become a prime area for marking and developing an influx of business. But as many of us know, that area has become extremely saturated and costly. Over the last 5-15 years we have entered the age of social-media marketing. For some solo practitioners, social-media marketing has allowed for a leveling of the playing field with respect to reaching direct-to-consumer. Solo practitioners can be creative in developing content that attracts users and ultimately leads to case generation. Irrespective of your choice of marketing, a big issue becomes time allocation.

Some of us are more naturally savvy with branding and marketing, while most of us attorneys are not. I would strongly suggest utilizing one of the numerous firms that exist to handle branding strategies and marketing deployment. Companies like Outlier Creative Agency or Raeyson Media can help you figure out your demographic and specifically develop marketing strategies to target your optimal market demographic.

If you choose to take the step toward social-media marketing, a marketing firm that specializes in your area of work can be instrumental in developing content that later leads to brand recognition and case influx. Some can be costly, but here are many who will work with you to get things started and even show you simple ways of generating content.

Time is money – Balancing the books, technology and staff

Because time is money, I would be remiss to not talk briefly about balancing the books. Of course, the first question most will ask about running a solo practice is, how much does it cost and how do I deal with overhead? Well, unfortunately, I started my firm in December of 2019, right before the pandemic. Not the optimal time to start a firm that focuses on trial work. Fortunately for me, my firm has done well and managed despite the pandemic by utilizing some of the principles I outlined above.

When it comes to balancing the books, at the forefront of litigation and trial firms are the costs associated with litigation and trial. I have been able to do this in part by shifting costs on cases where I can.

We receive about 85% of our cases from other personal-injury firms that settle cases in prelitigation, but don't necessarily litigate cases or take cases to trial. Of course, litigation and trials are where the heavy costs lie with most cases. Negotiating fee splits where co-counsel handles the costs is an important way to limit cost on cases from stacking up.

Of course, this will mean on occasion you may have to accept less than a certain percentage for handling a case in order to not worry about the cost. Each case is different and so you should treat each case differently with respect to your approach of litigation-cost shifting.

Although I have yet to explore litigation case funding, I have received positive feedback from many attorneys who have and who highly recommend using a litigation funding company. The key to managing money aspects also lies in sometimes thinking outside the box. Developing lasting relationships with referral sources and employing the use of technology throughout the firm is also instrumental to balancing the books.

The use of technology is a critical aspect to managing a solo practice. Technology has allowed for solo practitioners to operate their firms

remotely just as effectively as larger firms can operate in lavish offices with significant support staff. If you wish to operate your firm remotely, you should consider the following: (1) Virtual office; (2) Case management software; (3) Litigation software.

Operating your office virtually allows for you to save a tremendous amount of overhead that would otherwise go toward leasing office space. There are tons of companies that offer flexible virtual office space setups at reasonable prices. They offer professional business access with tiers that include scanning mail, an assistant who answers phone calls and routes the calls to a number of your choice.

This allows for your firm to operate remotely but still maintain a polished and professional look. Many of the virtual office companies offer plans that include a certain number of office visits per month and use of conference rooms when needed. When it comes to running a solo law firm there isn't much more that you need pertaining to office space. Along with operating a virtual office, there are staffing companies that offer great rates to hire part-time or full-time staff. They offer receptionists, legal assistants, or even paralegals at unbelievable rates.

Case-management software is also an important tool for running a law firm with staff remotely. It is important to ensure that your case files are protected, and also accessible to you and your staff. Being able to see realtime changes is important because it ensures all files are up to date, and it allows everyone in your firm to see the current status of any task prior to performing their task.

Case-management software also incorporates accurate calendaring to make sure deadlines and appearances are

tracked properly. This can help reduce the amount of time your staff has to spend calendaring.

Case-management software can be costly, however there are some companies that offer reduced rates. Some of these companies include Filevine, Clio, CASEpeer, Firm Central, and others.

There are also options such as using OneDrive or other computer software programs that allow you to share your files in real time with staff. If choosing this route, be sure you are taking the proper measures to protect your files from any potential hacking or loss of data.

Litigation software such as Esquire Tek and others allow for a firm to streamline discovery through an automated software. Most of the discovery we receive on cases is very standard and repetitive. Due to this fact, litigation software can be very useful for yourself and your staff to help expedite the drafting of objections and responses.

Network

Generating a network of reliable friends and colleagues can be a daunting task. However, this is important to many aspects of your business. When it comes to marketing, one of my favorite types that was not discussed above is grassroots (person to person).

We are blessed in our field with organizations like CAALA and many others that offer continuous opportunities to shake hands, meet colleagues and market yourself and your law firm. It is imperative as a solo practitioner, who receives cases from other firms, to be present. We typically leave events with at least one new case.

You can also gather new information that can assist with furthering a current

case you may have in litigation. Of course, it's always good to catch up with our brothers and sisters in the law.

Another useful tool for developing your law practice is sourcing one place as a hub for your office space, networking, exemplars, and case collaborations. With organizations like Justice HQ, for reasonable prices, not only do you get office space, but you also can get access to some of the best attorneys in our fields.

Mentorship and case collaboration is a very important tool to running a successful law firm. With organizations like Justice HQ, you instantly become in the know about new case law, events, and even receive discounts on the use of innovative technology in our field. It is important not to reinvent the wheel on your cases when it's not needed. Gaining access by joining organizations can become critical to building your own personal document bank of exemplars to help push your cases to maximum value.

While this is a small glimpse at some strategies that can be employed for effective time management as a solo practitioner, efficiency is going to be your biggest weapon in your fight to manage time. The legal landscape is changing before our eyes, so we need to be open to new and innovative ways that can help our practices become more efficient. This will allow us to own our time and maximize firm revenue.

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