

# THURGOOD MARSHALL SCHOOL OF LAW LIBRARY

## *Pathfinder Series*

DeCarlous Spearman, Law Library Director

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## **STARTING A LAW PRACTICE: 'DON'T REINVENT THE WHEEL'**

If you are going to 'hang your shingle' there are some things you need to consider.

**Don't Reinvent the Wheel** – others have done this before you so be open for advice. Included below are lists of things you need to investigate, price or otherwise consider. The American Bar Journal and the Texas Bar Journal have numerous ads and vendors. See those sources also.

### **I. Find a Law Library to Use – if TMSL is convenient come here, if not, find one *now***

- A. Introduce yourself to the Librarians and get on a 'know you by name' basis.
- B. Review the collection to familiarize yourself with what is available.
- C. Locate the library guide and research guides and take at least two copies of each. In fact visit several law libraries and collect research guides.
- D. See what online services they have and what you can use – as a graduate most services that require a password will be off limits, but ...
  - a. In every library I have ever used, I have found the librarian will do the research for you or sign you on if they know you or you approach them correctly ... BE VERY NICE, YOU NEED A FAVOR.
  - b. Other services can be used in-house ... that means, while you are in the library you can use the service...
  - c. Finally, if you do the research manually, ie. in the books, the Librarians will typically print the case to save new graduates money (we know you are broke). ASK A PERSON.

### **II. Determine the Type of Practice**

Clerk somewhere if at all possible – knowledge gained at someone else's expense (volunteer if necessary),

Visit a variety of firms (do you or your family members/friends know a lawyer, visit their office meet their support staff – see how they run their office),

- A. Solo Practice
- B. Office Share
- C. Partnership

### **III. Create a Forms File**

There are a lot of forms you will use over and over again.

- ☐ If you know you want to practice in Family Law, when using ProDoc create a form set and download all the forms into a file.

- ☐ Create a folder on your hard drive for each area of law and save the form in the respective folder.
- ☐ Make a paper file also.
- ☐ Print Client Information Forms for every area of law you think you may take cases in.

#### **IV. Develop a Paper-handling System**

- ☐ File opening
  - Transaction Sheet
  - Client Information Sheet
  - Tickler important dates
  - Set-up a client information card for Open File List (paper & electronic)
- ☐ What's Included
  - Administrative
    - Fee Agreement / Contract
    - Transaction Sheet (to record work on case, calls, etc.)
    - Client Information Sheet
    - Receipts
    - Medical Employment Authorizations
  - Correspondence
    - Generated by you
    - Received from other side
  - Court Documents
    - Evidence / Specials
    - Contracts
    - Wills / Deeds
    - Medical Records & Bills
    - Police Reports
- ☐ File Labeling
  - 20030101-D (year, 101 file opened, type of file D = divorce)

#### **V. Opening the Office - Lease, Sublease or Executive Suite** (conference room, mail & copy room, phone & voicemail, answering machine, Internet)

- A. Start-up cost
  - ☐ First month's rent,
  - ☐ Security deposit,
  - ☐ Connect charges (lights, phone)
- B. Location -- is it convenient to:
  - ☐ Home
  - ☐ Law Library
  - ☐ Courts
  - ☐ Clients
- C. Size

- ☐ Personal office
- ☐ Reception
- ☐ Secretarial station
- ☐ Conference room
- D. The Lease – does it include:
  - ☐ Bill out time
  - ☐ Parking
  - ☐ After Hours Access
  - ☐ Right of first refusal
  - ☐ AC/Heat controls
  - ☐ Outlets -- phone & electrical location
  - ☐ Network cables

## **VI. Equipment/Furniture**

- ☐ Desk & chair
- ☐ Two client chairs
- ☐ Computer
- ☐ Printer & printer table
- ☐ File cabinet
- ☐ Typewriter
- ☐ Copier
- ☐ Fax machine
- ☐ Minimum two line telephone

## **VII. Telephone and Answering Service**

## **VIII. Set-up a Business and IOLTA Bank Accounts**

- ☐ Use the IOLTA account to *take in funds*
- ☐ Use the business account to **pay** yourself and your business **bills**

## **IX. Insurance**

- ☐ Malpractice
- ☐ Rental insurance
- ☐ Medical/Life insurance

## **X. Advertising**

- A. Announcements -- send to all relatives, friends, former professors, employers
- B. Green sheet / area newspapers (African American News)
- C. Website
- D. Local library (public library often get request for legal assistance)
- E. Volunteer at the NAACP
- F. Network – tell everyone you know you are practicing and in particular you will be taking .... Type of cases
- G. Business Cards/Stationary

Pass out business cards and ask for cards

## **XI. Office Supplies**

|                |              |                        |
|----------------|--------------|------------------------|
| 3-ring binders | Highlighters | Scissors               |
| Business cards | Hole puncher | Stapler & staplers     |
| Calculators    | Note pads    | Staple remover         |
| Flash Drives   | Paper clips  | Rubber bands           |
| Envelopes      | Pencils      | Tape                   |
| Erasers        | Pens         | Tape dispenser         |
| File folders   | Post-its     | Telephone message pads |

## **XII. Software**

- ☐ Word Processing
- ☐ Firm Management: Amicus Attorney <http://www.amicusattorney.com/>
- ☐ Accounting: QuickBooks Pro (electronic) *Dome Accounting System*
- ☐ Document Assembly (ProDoc)

## **XIII. Develop Time Management Systems**

- ☐ Calendar for appointments and appearances
- ☐ File calendaring system
- ☐ Tickler system

## **XIV. Tax Preparation**

### **Receipts**

- Develop a filing system for receipts and file monthly.
- Keep the monthly bank statements and identify each check by client.
- Keep all receipts separate by category weekly.
- Total receipts monthly and enter into accounting system.

### **Incoming Money**

- Accept cash or money orders (no checks unless you know the person very well).
- Checks from companies (i.e. insurance checks should be photocopied twice – a copy for the clients file and a copy for taxes).
- Give a receipt and keep a copy.
- Have client to sign the receipt.

- Put a copy in the clients file and in your bookkeeping file.

## **XV. Seek Court Appointments**

Go to each court and ask the clerk the process for seeking court appointments. Go in each courtroom during appointments and see what attorneys get appointments. Stop the attorneys and ask “how” they started seeking appointments. Complete Ad Litem and Court Appointment requirements with all Desired Courts. Some courts to consider –

|          |           |         |         |
|----------|-----------|---------|---------|
| Criminal | Family    | IV-D    | Federal |
| Juvenile | Municipal | Probate |         |

## **What Your Law Library Should Include**

### **Books v. Online Services Finding “The Law” (Code/Statutes, Cases, Legislative History)**

| <b>Subject Matter</b>          | <b>Book – Desktops</b>                           | <b>Online Service</b>          |
|--------------------------------|--|--------------------------------|
| Civil Practice                 | O'Connor's Civil Trials                          | Internet<br>LoisLaw<br>FindLaw |
| Corporation or Partnership Law | West Business & Commerce Code                    | "                              |
| Family Law                     | Texas Family Code                                | "                              |
| Probate                        | Texas Probate Code                               | "                              |
| Property                       | Texas Property Code                              | "                              |
| Criminal Law                   | Texas Criminal Code & Rules (Texas Lawyer Press) | "                              |

|                              |   |
|------------------------------|---|
| Citing the Law               | <u>A Uniform System of Citations</u> , (The Bluebook), 19 <sup>th</sup> ed. Harvard Law Review Association, 2010.     |
| Citing Texas Law             | <u>Texas Rules of Form</u> , 11 <sup>th</sup> ed. Texas Law Review, University of Texas at Austin School of Law, 2006 |
| Legal Writing Rules of Thumb | <u>The Lawyer's Book of Rules for Effective Legal Writing</u> , Thomas R. Haggard, 1996                               |

### **Books v. Online Services Formbooks Drafting Petitions, Motions, Discovery, Contracts**

| <b>Subject matter</b>          | <b>Book – Table Copies/Desk copy</b>   | <b>Online Service</b> |
|--------------------------------|--|-----------------------|
| Civil Practice                 | - Texas Forms * Civil Trials<br>- Stevenson's Texas Legal Practice Forms<br>- Texas Litigation Guide | ProDoc                |
| Corporation or Partnership Law | - Texas Transaction Guide<br>- Nolo Press  | "                     |

|              |  |   |
|--------------|--|---|
| Family Law   | State Bar of Texas<br>Texas Family Law Practice Manual 2 <sup>nd</sup> | " |
| Probate      | Texas Probate Guide  | " |
| Property     | Texas Transaction Guide  | " |
| Criminal Law | Texas Criminal Practice Guide  | " |

## **Some Basic Information and Legal Sources You Need To Know About**

### **Formbooks**

Law students or graduates can use ProDoc in the Law Library. Forms can be downloaded and taken with you. ProDoc typically offers some type of discount for new attorneys or the annual payments. A demonstration disk is provided.

Stevenson's and the Texas Family Law Practice Manual both come with disks that are very helpful (neither are as user friendly as ProDoc but it beats typing the complete form sets.)

### **Desk Copy**

Law Librarians and attorneys refer to single reprints of a particular area of law as 'desk copy.' West publishes table copies of most areas of law for Texas. These single volume paperbacks are much cheaper than buying a complete set of Vernon's (most of which you will never use).

### **Loose-leaf Services**

In practice, attorneys use sets of ring binders that report the law on a particular subject. These sources are called Loose-leaf Services. To learn more about loose-leaf services, make an appointment with a law librarian to go over the organization and use of these invaluable publications. Please note most formbooks are loose-leaf services. They are the quickest way to stay current.

One author describe loose-leaf services as:

"Loose-leaf services are like vacuum cleaners pulling together everything on a subject. Unlike vacuum cleaners, when you open a loose-leaf service, everything is in order and easy to find. The only loose thing about them occurs when you drop the binder. A loose-leaf will save hours of research time as the editors have gathered the materials from many separate sources." Marie Wallace, Practice Pointer: Loose-leaf Services, 1 no. 2 Perspectives: Teaching Legal Res. & Writing 63 (January, 1993).

### **Continuing Legal Education (CLE)**

The ABA supports the concept of mandatory continuing legal education for all active lawyers. In addition, 40 states require lawyers to take mandatory continuing legal education (MCLE) courses in order to practice law within that particular jurisdiction. For example in Texas the requirement is:

#### **Texas**

15 hrs. per year including 3 hrs. legal ethics. 1 hr. of the 3 hrs. of legal ethics may be completed through self-study. 5 hrs. of the total 15 hrs. may be completed through self-study. Reporting date: last day of birth month each year.

**State Bar of Texas**  
P.O. Box 13007  
Austin, TX 78711-3007

(800) 204-2222 Ext. 2106  
(512) 463-1463 Ext 2106  
(512) 463-1498 Fax  
<http://www.texasbar.com>

The purpose of minimum continuing legal education requirements is to ensure that every active member of the State Bar of Texas pursues a plan of continuing legal education throughout his or her career in order to remain current on the law in our rapidly changing society.

A complete state listing is available at: <http://www.abanet.org/cle/mcview.html>. Many organizations offer CLE classes and provide handouts that include information from each presenter. These people have an invaluable amount of information and are very good about answering questions. Look at the CLE title, read the provided information that often gives enough information on “how to” do whatever you are trying to do and if all else fails, call the presenter. As I have said before **ASK A PERSON**. People are often your best resource.

### **Self Help Books (make sure you have the newest edition)**

The **American Bar Association Practical Law Series Online** provides self-help information for many legal topics. The site includes tips on how the law affects important everyday situations. <http://www.abanet.org/publiced/practical/home.html>

**NOLO Press** publishes materials in plain-English for people who are representing themselves. The Nolo's Law Store has over 200 plain-English legal tools that cover a variety of personal, consumer, and business topics. Hunting for that certain something? Browse by topic, keyword, or check out our [A to Z product list](#). In addition to their print publications, the Nolo website is a source for free do-it-yourself legal information on a variety of topics. The Nolo site also includes a legal encyclopedia, legal dictionary and links to cases and statutes. <http://www.nolo.com>

SphinxLegal.com has the legal forms to guide your business from start-up to success, complete with instructions, samples, and a copy of the form itself. Sphinx Legal strives is to make filling out these forms simple and straightforward. The e-form packages can be downloaded 24-hours a day, 7 days a week. The site also features printable, downloadable total form packages on topics such as divorce, child custody, wills, and business. <http://www.sphinxlegal.com/>

### **Some Good Books For Attorneys Starting A Practice**

Foonberg, Jay C. *How to Start & Build a Law Practice*. 4th ed. revised and updated. Chicago, Ill.: American Bar Association, Law Student Division, Section of Law Practice Management, 1999.

Foonberg, Jay C. *How to Get and Keep Good Clients*, 2 ed. Boston, Mass.: Lawyers Alert Press, 1994.

Singer, Gerald M. *How to Go Directly into Your Own Solo Practice and Succeed into the New Millennium and Beyond*. St. Paul, Minn.: West Group, 2000.

Snyder, Theda C. *Running A Law Practice On A Shoestring*. Chicago, Ill.: American Bar Association, Law Practice Management Section, 1997.

## Before You Graduate

Go into the jurisdiction's database on LoisLaw where you intend on practicing (LoisLaw is free during summer); Lexis.com and Westlaw.com (will be cut off once you graduate). ***Do this now.***

1. Print out the menu of the available state materials from the state you intend on practicing in.
2. Get a sense of the distribution of statutes, advance legislative (or session law) services, administrative regulations, administrative law judge decisions, court reports, and court rules coverage.
3. Include *coverage dates* for important materials and note *differences in coverage* among the three electronic sources: LoisLaw, Lexis.com and Westlaw.com. Also note how frequently these various databases are *updated*. Just because a source is available on the computer does not ensure that it is current.
4. If you are going to specialize in a subject area, review and print the menus of the relevant topical libraries and databases in electronic format, with dates or coverage. Date your printout.
5. LoisLaw may include the electronic format of your state's Continuing Legal Education (CLE) publications, if so print this information.
6. LoisLaw may also include the text of your *states jury instructions*. Note: if your state is available. You may want to cut and paste your state's jury instructions into a file and save this information.

## Pull the Following Articles About Practicing and Clerking Off Westlaw

Peggy Roebuck Jarrett and Mary Whisner, *Here There Be Dragons: How to do Research in an Area You Know Nothing About*, 6 no. 2 Perspectives: Teaching Legal Res. & Writing 74 (Winter, 1998).

Kelly Browne, *The Top 10 Things Firm Librarians Wish Summer Associates Knew*, 8 no. 3 Perspectives: Teaching Legal Res. & Writing 140 (Spring, 2000).

Nazareth A. Pantaloni, Louis J. Sirico, and Ellen M. Callinan, *Legal Research and the Summer Job*, 7 no. 3 Perspectives: Teaching Legal Res. & Writing 110 (Spring, 1999).

Marsha L. Baum, Ten Tips for Moving Beyond the Brick Wall in Legal Research, 10 no. 1 Perspectives: Teaching Legal Res. & Writing 20 (Fall, 2001).

## Once You Graduate and Can't Find An Answer –AAP: ASK A PERSON.

*Who can you ask:*

- Come to the Law Library and ask to speak to a Law Librarian.
- Pull a CLE book on the subject you are working on, find an article on your subject and call the presenter. They are very receptive to answering questions, especially if you tell them you are a new attorney and you “read their article” and have some additional questions or ‘don’t quite get it.’
- Ask your classmates and any other attorneys you know.