The Joys and Challenges of Private Practice and Law Office Management
by Donald D. Becker, JD, MBA, August 19-20, 2008 Program

In Continuing Education Programs and Articles on private practice and law office management, the focus tends to be on problem solving or giving information that can be immediately used to address the day-in, day-out challenges involved in operating a law office while providing professional legal services to the public. This may have the effect of emphasizing the negative or down sides of the practice and discourage people, who might find this career path joyful and fulfilling.

What is it like? Why do many professionals choose and enjoy their career in a small law office providing legal services to the public? Why do others find the experience very unpleasant, and look to avoid it like a plague? If you're considering this career path, take the time and make the effort to develop a plan that includes a self inventory with an assessment of your personality and personal goals. How do you deal with stress? How do you deal with decision making? How do you deal with risk taking and uncertainty? Can you manage your time, setting boundaries and priorities?

Boredom is never a problem with private attorneys managing their office. Excitement may take many different forms, but there will always be something to be done and challenges to be addressed. There is no supervisor or superior to get instructions or guidance. You're it. This can be very rewarding and self fulfilling as you muddle through and learn from your mistakes.

It's a constant learning experience because change is the only constant. You may have assistance from other people, such as competent staff, but in the end, you are the decision maker. You are the person who faces the day-in, day-out decisions that must be made. How do you relate to responsibility? Do you enjoy it for its own sake (like a spice of life), or only for the mantel and prestige (because you want the respect of others)?

Do you enjoy getting into and solving messy problems? Problems where there may be no right answer, or do you prefer more abstract challenges (like cross word puzzles)? It's going too messy when you work with staff, and represent people with their legal problems which for them may be a business or personal problem with legal implications asking them to pay you money for your efforts.

Your clients may not be able to evaluate the merits or value of your services. The client paying, or not paying, for your services usually has little to do with the merits or value of those services (as seen by the client). Do you need to get an AA for the work you've done, or can you thrive --- knowing you performed very well and accomplished a great deal, given the circumstances in which you were working?

How well to you deal with unjust criticism? Can you accept that it might be a back handed compliment, or does it create a need to argue and attempt to change the wind? Can you zealously pursue your client=s interest, then be professional and courteous with opposing parties and counsel?
While not typically addressed in law school, interpersonal skills are critical. The attorney in private practice, who is managing the law office too, must deal with people on a day-in, day-out basis. There will be many different roles, functions, purposes, goals, and challenges. Can you find joy in complex and/or extensive interactions with people, or do you want the hole up in your office reading and writing Alegal stuff?@ 

It=’s been said: ABeen There, Done That, Got the T-shirt.@ If you have been in situations similar to the problems (challenges) your client is facing; maybe, you=’ll be a better attorney and counselor. While in the management or administration of a business role/function, you=’ll be beyond the textbook theory and concepts. You=’ll face the interconnectedness of problems, and develop a better understanding of why clients made some of the decisions they made (which in hindsight may be seen differently). You=’ll see those AIf only . . . @

Managing an office requires forward thinking and decision making with less than all of the facts. Some legal services are only rendered Aafter the event.@ Some legal services can be rendered with a minimal amount of contact with people, or a minimal amount of involvement with the consequences on people lives. Public attorneys provide valuable services without regard to the economics of the case/matter C where a private attorney must (with the client) address the bottom line economics of the matter. How is the attorney to be paid for the services to be rendered (the attorney can only do a certain amount of work for free and still pay the rent), and will the client benefit or merely suffer a greater loss?

An attorney can make a reasonable living in private practice and as a solo law firm. As a general rule, an attorney will need to evolve toward a Amarket niche@, i.e., some degree of specialization. The nature and extent of the legal services provided affect the financial bottom line; which will also be affected by external events C such as, changes in laws or the economic conditions of the clients.

There are forms of private practice where an attorney is not required to keep track of his or her time for services rendered to a particular client or on a particular matter. However, good management practice would encourage even those attorneys to keep a record of their time. If not for direct billing purposes; then because Courts will consider the time rendered for a Alode star@ analysis in deciding what would be fair compensation when there is a disagreement between an attorney and a former client.

It is possible to try it, to see if you=’ll like it. The experience gained would be very valuable for an attorney, who ultimately decided they didn=t want to pursue that form of a legal career. However, you must be mindful of the duty to your clients (past and present) as well as the financial commitments or expenses involved. A large portion of the New Mexico State Bar consists of attorneys in private practice in solo or small firms. Many have found it to be an enjoyable and rewarding career. You can too.

Some have found that they don’t like it. However, having ventured and experienced that aspect of the profession, they are able to make the decision to go a different career path without regrets.