



The Proactive Lawyer

When I graduated from law school, there were systems in place to point us in a direction. That was way back in 1987, when systems still seemed reliable and functioned well for those who were amenable to them. In law, that included about 95% of us. The other 5% were brilliant and rebellious and made names for themselves in spite of three years of sustained indoctrination.

But systems were good for the rest of us, because without them, we wouldn't have a clue what to do when we showed up in court, let alone how to start our own law practice. One system was to clerk at a large or mid-size firm and get an offer of employment once you passed the bar. That way you could continue to work there until you did, which for some took a lot longer than others.

Law clerking in a firm prepared you for how to practice law, as opposed to just learning the legal theory they taught in law school. It was an apprenticeship in the law firm lifestyle and kept you from making a fool of yourself when you finally got to stand up before the judge on your own. You never really needed to think about the "business" of law until a few years down the road, when the word "partnership" started to creep into the back of your brain, and hopefully theirs. Although you were always weighed down by creating enough billable hours to meet or exceed the firm's expectations, the partnership track was really what motivated you to pay attention to your personal bottom line contributions to the firm's financial success. It was a logical system.

And there were systems for solos. You sought out local lawyer-friends to learn what resources you'd need (the list was fairly simple and straightforward), joined your local bar association, jumped into the yellow pages, and gathered enough cash to keep yourself alive for a few months. You found a respectable office in a suite shared by other attorneys, with a common receptionist, conference room and a (must have) library (yes, with books). There were opportunities to interact and learn procedures, norms, etiquette and other important factors never discussed in school. Your dad called all his friends in town and told them you were in business. You joined to local bar association and other (in-person) networking groups and handed out business cards. You picked up overflow work

here and there from your network. Eventually, satisfied clients referred their friends here and there, and soon you were on your way.

Wow. What year was that again?

Now it's 2010, and the whole world has turned upside down. The business-of-law system, just like the financial, health-care and political systems, has broken down, because it never considered the possibility that they might not have clients. So now, those of you whose offers of employment were retracted or delayed, those of you who didn't get an offer and can't believe it, those of you who were laid off and can't believe it – there are no systems to follow.

There's lots of activity; lots of talk about technology and blogging and social media marketing and alternative fee structures. But there's no tradition, no follow-the-footprints designs or strategies. There is only: this looks good or important or useful, but where does it all fit in? And, by the way, what do I do next?

In an article by Elizabeth Wurtzel in The Wall Street Journal entitled "Tough Times for Big Law," (December 14, 2009), she reported that at the firm of Cravath, Swaine & Moore, a class of associates was asked to delay their hire for one year. In return for the delay, they would receive \$80,000 salary, plus benefits and student loan payments, to do nothing. The surprise? Most of the grads turned the offer down.

What was their concern? Was it really that they were so red-hot ready to spend the next 3 to 5 years of their lives grinding away for 10-12 hours a day researching and drafting legal documents that they couldn't bear the thought of not?

I suspect, as did the author, that it had to do with the fact that their brains had been so dulled by the indoctrination and regimentation that they just couldn't conceive of what else they would do with their time. All they envision was slaving over a lavish desk in their own office with the secretary outside their door and a window to their backs that they never looked out of. A fairly narrow vision.

What's the point of that story? It's that no matter which side of the employment line you're on, you won't see the opportunities in front of you if you don't look outside that tidy little box that has suddenly gotten very messy. But you will never know what to do next if you don't get a handle on why the old way no longer works. If you don't know what happened to the legal industry, you'll never know how to respond in a way that will make you successful.

An incredible resource that offers online learning centers on substantive, practice management and

top trend issues is [Solo Practice University](#), whose faculty consists of the top thought leaders in our profession today. SPU “picks up where law school left off,” and includes video learning, blogging and interactive opportunities to optimize your access to the faculty and enable you to participate in professional networking and discussions.

The ABA and hopefully many of the state bar associations have begun to aggressively respond to the need to educate and assist lawyers who are all dressed up but have nowhere to go. ABA’s [GP – Solo and Small Firm Division](#) has plenty of resources, and recently started [The Smart Soloing Center](#), including the [Solo Blog Network](#) and [ABA TechEZ](#), which offers free technology training every Tuesday.

Carolyn Elefant’s [myShingle.com](#) is packed with resources, not the least of which is her blog, which continues to address the most current issues at hand.

And please don’t forget Twitter, Facebook and LinkedIn. These are no longer sites used to find out what color nail polish your friend’s grandmother is wearing. There is a bottomless well of information and connections that will educate and serve you beyond your expectations.

In these times, being proactive is not a choice, it’s a necessity. Let these sites begin to guide you in the right direction, and take advantage of the opportunities to network with other members of their communities. The dynamics of that interaction will propel you into further action, and the guidance will give you frameworks within which to function. It’s there for you: but YOU need to type in the URL!