

**BETTING THE FARM:  
HOW TO SUCCESSFULLY HANG YOUR OWN SHINGLE**

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State Bar of Texas  
**FAMILY LAW 101**  
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**CHAPTER 1**



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- Board Certified – Family Law, Texas Board of Legal Specialization, 2020
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- Texas Family Law Foundation
  - Board of Directors, Class of 2024
  - Membership Committee, 2017 - Present
  - Bill Review Committee, Legislative Sessions 2017, 2019, and 2021
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- Texas Academy of Family Law Specialists
- Burta Rhoads Raborn Family Law American Inn of Court, 2013-2020
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- Texas Rising Star honoree, 2020, 2021, 2022 (by Thomson Reuters Service printed in Texas Super Lawyers and Texas Monthly)
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- San Antonio Bar Association – Family Law Section
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## PUBLICATIONS AND PRESENTATIONS

- Co-Author/Speaker: “Child Support Determination for High Income Families: Understanding Unique Income Sources and Factors Considered when Deviating from Guidelines,” 2022 Spring CLE Conference, ABA Family Law Section, April 2022
- Author/Speaker: “Complying with Rules of Professional Conduct and Ethics during Litigation,” (Live Webinar), Texas Civil Litigation Skills for Paralegals, January 2022

- Co-Author/Speaker: "What We Get Wrong About Misogyny...Have We Really Come a Long Way, Baby?", (Live Webinar), Burta Rhoads Raborn Family Law American Inn of Court, March 2021
- Co-Author: "(Your Love Keeps Lifting Me) Higher and Higher: Alternatives to Statutory Child Support Guidelines," Advanced Family Law 2020, August 2020
- Co-Author/Speaker: "Therapists in Litigation are No Child's Play: Cross-Examining the Treating Therapist and Avoiding Common Traps," Burta Rhoads Raborn Family Law American Inn of Court, April 2019 (Team Co-Captain and Winner, Best Presentation 2018-2019)
- Author/Speaker: "Preparing Pleadings and Assisting with Motion Practice," (Live Webinar) Texas Family Law Practice for Paralegals, December 2020, February 2019
- Co-Author/Speaker: "Lo-Tech, Hi-Tech & Beyond: Using Technology to Effectively Present Your Case," Burta Rhoads Raborn Family Law American Inn of Court, March 2017
- Author: "Temporary Orders in a Divorce and SAPCR: Preparing Pleadings and Assisting with Motion Practice," Texas Family Law Practice for Paralegals, January 2016
- Co-Author: "Iffy Inventories: Ethical Dilemmas with Inventories," Burta Rhoads Raborn Family Law American Inn of Court, January 2015
- Co-Author/Speaker: "After DOMA: A Look Ahead for Texas," Burta Rhoads Raborn Family Law American Inn of Court, February 2014

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# BETTING THE FARM: HOW TO SUCCESSFULLY HANG YOUR OWN SHINGLE

## I. INTRODUCTION

*“What? Like it’s hard?”* Most of us are probably familiar with the words of one of the most famous law students of all time, Elle Woods, reacting to her ex-boyfriend’s surprise when he learned that she, too, had been accepted into Harvard Law School. What neither Elle nor Warner likely realized was that law school is light work compared to what practicing lawyers endure on a daily basis – especially family lawyers who’ve hung their own shingle. For those making the leap and those still deciding whether to leap, this article is designed to be a reference guide of necessary considerations and will touch on the high points without delving too deeply into any specific topic. Please refer to the excellent papers available through the State Bar of Texas for more thorough discussions as to each topic presented here.

You will see the term “forms” mentioned throughout this paper. In addition to the incredible CLEs available through the State Bar of Texas, you should review the materials available through [texasbarpractice.com](http://texasbarpractice.com) as there are several different reference materials available for purchase that contain forms for just about every aspect of your practice – from engagement agreements to divorce decrees - that are invaluable and make the practice of family law more efficient for practitioners and less expensive for clients. The website’s law practice management section is also replete with valuable information for firm owners at each stage of their practice, from starting out to succession planning.

## II. LOOK BEFORE YOU LEAP

Deciding whether to hang your own shingle begins not unlike other strategic decisions we make in the practice of law in that we must answer both of the following questions: *“Can I?”* and *“Should I?”*. The answer to the former is simple: yes, of course you can! Most practicing lawyers possess the ability to learn to manage their own practice and the competence to do it well; however, whether you *should* is a different analysis altogether.

To answer this second question, you must assess your personal and financial circumstances to determine the existence of any barriers and whether you have access to the support system needed to dedicate yourself to building and growing your practice. Can you afford to miss a steady paycheck and if so, for how long? What about benefits received at your current job? If you’re transitioning from working with a firm and receiving health benefits from your employer, you’ll need to

create a transition plan and make alternative arrangements for insurance or other critical benefits. Build out your monthly/annual personal or family budget to calculate any shortfall and determine alternative sources of income that will bridge the gap for at least six months or until you anticipate becoming profitable. Whether it be your significant other’s income, a personal or bank loan, savings, etc., don’t get so caught up in the fantasy of being your own boss that you forget to answer basic questions like how the bills will get paid or kids stay insured while you’re making your way.

Aside from the increased financial burden, owning your own firm comes with an ever-increasing workload. If you’re solo without even so much as an office manager, you’ll not only be a practicing attorney, but you will also be the managing attorney and thus responsible for handling the firm’s day-to-day operations and managing its profitability. Overseeing your firm’s operations and paying attention to every dollar is the lifeblood of any business and requires an immense amount of dedication, attention to detail, and consistency to do it well. It is the need for someone to help shoulder some of that responsibility that many attorneys with a solo mindset but a distaste for running a business may ultimately decide to partner with another attorney.

In other words, be prepared to work harder AND for less money – at least to start.

## III. ESTABLISH YOUR FOUNDATIONAL STRUCTURES

Building a self-sustaining practice that will endure and thrive throughout your legal career requires a strong foundation. Like any architect, before you begin building, you’ll need to write down or at least think carefully about your objectives. Where do you see yourself and your firm in the next year? 5 years? What area(s) of law will you be practicing? Will you have a brick-and-mortar location, an entirely virtual practice, or something in between? Will you have attorneys and staff? Will your practice be high volume with lower fee generation per case or lower volume with higher fee generation per case? Will you have different attorneys in multiple practice areas or exclusively handle one area of law?

Determining the initial size of your firm and the level of financial investment to make at the outset depends upon your resources and current caseload, your projected timing and level of firm growth, and whether you want to approach growth proactively or reactively. For example, you may not want or be able to lease physical office space until you know it will be necessary, or you may choose to lease an office that’s larger than what you need now to ensure you have the space ready to go for the anticipated boom in business.

Shaping a general vision of your firm’s future early on will help you make smart financial decisions as to the types of services and products your firm needs now versus later.

Once you’ve considered your objectives, it’s time to start building the foundational structures of your practice. You should create your legal entity immediately and open the firm’s financial accounts. From there, you should obtain your basic contact information and begin the process of forming and tailoring your firm’s practice management system.

**A. Form Your Entity**

You will need to determine the form of your firm’s business entity and how it will be taxed (i.e., disregarded entity, an S-corporation, etc.). The type of entity to form is based on a wide variety of liability, tax, and employment considerations, and each present their own benefits and drawbacks when it comes to liability and taxation, depending on how and with whom you wish to form your firm. If you don’t form a designated entity, your firm will default to a sole proprietorship, meaning you and your personal assets are at risk of being subject to liability.

Consult with an attorney or CPA, meet with an educated colleague, or review the CLEs available to learn about how to form the different types of entities and the pros and cons of each entity. After formation, you need to register for an Employer Identification Number (“EIN”). Use your newly created entity and EIN to open, at minimum, a firm operating account for the handling of the day-to-day operations, an IOLTA account if you intend on handling client funds, a tax savings account to regularly set aside a portion of your income for taxes, and a firm credit card. Don’t open accounts in your name or in your personal capacity with the expectation that the accounts will be transferred to your entity later as this can be cumbersome and expose you to personal liability. Be sure to certify your IOLTA compliance with the Texas Access to Justice Foundation at <https://www.teajf.org/attorneys/compliance.aspx>.

**B. Set Up Your Business Card Information**

Once you have formed your entity and opened your financial accounts, it’s time to set up your contact information. Given the vast array of workplace solutions that have become popular in recent years, there are endless combinations of physical and virtual office solutions to explore. Regardless of the solution you choose, be sure to have an entire set of client-facing information to use for professional purposes only that is separate from your personal contact information. You will need a dedicated work number, email address, and physical mailing address that is not your home address, even if it is something as simple as a P.O. box at your local shipping center. Do not have clients meet you at

your home or call your personal cell phone. Even if you opt for virtual office space, you should always have a physical professional space to meet clients (think Regus!), as well as the ability to meet virtually on Zoom or other video conferencing platforms.

**C. Create Your Practice Management System**

It is critical to the success of any lawyer and law firm to have products and systems in place that help keep you and your firm organized and ethically compliant, ensures you stay on top of your cases (and your billing), and eases and streamlines the tasks of day-to-day practice management. Here, “practice management system” refers not only to devices or computer programs that perform specific tasks, but also to internal systems and protocols in place at your firm that are activated in conjunction with certain case related events. Consistency is key. You should be proactive when it comes to building your practice management system starting with your very first case. It is easier and more efficient to start creating processes early and revise them as you find more useful or faster approaches rather than have no process in place and risk missing a time entry on a bill or worse, a filing deadline.

1. Secure Your Physical Assets

Building a practice management system requires an upfront investment. What you will need and when is dependent upon your current and anticipated future caseload. It is highly encouraged to invest in the following basic items you need to get started:

- a. Computer (laptop, desktop) with an office suite package for emails, document creation, spreadsheets, etc.;
- b. Printer with scanner;
- c. Phone System – landline or VOIP (i.e., Google Voice);
- d. Answering service for after/out of office hours;
- e. Webcam, microphone, and speakers;
- f. An IOLTA compliant credit card processing service;
- g. Dedicated filing system (electronic and hard file, if used) to organize and segregate documents by case and type (pleadings, discovery, correspondence, drafts, attorney’s fees and expenses, etc.);
- h. HIPAA compliant document storage (i.e., Dropbox) and destruction protocol system (see HIPAA for Lawyers training seminars available through [texasbarcle.com](http://texasbarcle.com));
- i. Programs/methods to secure and backup client and firm data;
- j. Outsourced IT support;
- k. Timekeeping/billing management system;



- l. Accounting system (i.e., QuickBooks, Excel, third-party accounting firm, etc.);
- m. Software that manipulates PDFs, and bates numbers and redacts documents;
- n. Form bank and research materials; and
- o. Professional liability insurance.

2. Develop Firm Protocols

Create internal systems and forms for common communications, documents, and homework files to clients that address each stage of a case. Case event specific protocols can be established as you proceed through a task the first few times. Continuously evaluate the need to develop these protocols, which are particularly useful for repeat events such as processing potential new clients; opening, managing, and closing files; keeping clients informed/responding to client inquiries; and managing deadlines. For example, a consultation to engagement protocol may look something like this:

- a. On the first contact with a potential new client, use an Initial Intake form that addresses questions such as the names of parties, county of suit, names and ages of children, upcoming deadlines, etc.;
- b. Run a conflicts check using Excel or some other system with name searching capability;
- c. Calendar the consultation and secure the location and method of consultation;
- d. Send a confirmation email with consultation forms (i.e., consultation agreement and basic questionnaire) and the link to pay the consultation fee;
- e. Confirm the consultation and payment the day before via phone or email;
- f. Following the consultation, prepare the fee agreement and Texas Lawyer’s Creed; and
- g. Send the engagement email with fee agreement, Texas Lawyer’s Creed, and link to pay initial retainer.

The consultation to engagement process described above is streamlined by using the following premade forms:

- a. Initial intake form;
- b. Conflicts check form;
- c. Consultation agreement form;
- d. Consultation questionnaire form;
- e. Fee agreement and Texas Lawyer’s Creed; and
- f. Form emails to schedule consultation and transmit engagement documents.

Once established, remain dedicated to staying organized, consistent, and regularly reviewing your protocols and form documents to determine whether they need to be upgraded or revised.

**IV. BUILD YOUR REPUTATION**

Many new attorneys or those who have always worked for another lawyer or firm may not give much thought to their firm’s branding and style or methods of practicing law because they often take on the legal personality of their firm or supervising lawyer and likely lack the autonomy to select clients or manage the direction of the client’s case. In contrast, when you hang your own shingle, especially in the beginning when you can’t afford the fancy office or large team, YOU are your firm, and YOU alone are responsible for developing your reputation. Building your reputation requires that you have a brand and a legal personality.

**A. Create Your Brand**

Even if you are officing out of a spare bedroom with no staff and a Google Voice work number, you must always display the appearance of professionalism. This will go a long way toward building your reputation. Below are some fundamentals critical to the reputation of any professional:

- a. Professional email address with signature block;
- b. Logo with no more than 2-3 colors to use on business cards, letterhead, website, etc.;
- c. Business cards with a high-quality look and feel;
- d. Website; and
- e. Google business page.

While many new lawyers have limited resources and look to cut costs wherever possible, consider investing more in brand development to look more established than you may be at the time. These initial investments help put you on the same professional footing as firms who have been around longer.

**B. Develop Your Legal Personality**

Something more important than building your reputation as a law firm than even the physical branding of your practice is determining your legal personality. Your reputation is built on the cases you take (and those you don’t!), your knowledge of the law, how well you work your cases, and how you treat your colleagues, those at the courthouse, and others with whom you work in a professional capacity. How do you want to be known? Every case is an opportunity to show your client, colleagues, and the court that you conduct yourself professionally and are reasonable, knowledgeable, and prepared. Follow the golden rule

and be sincere, confident, and courageous. Never try to copy another lawyer’s style. Our community is small, and people talk. Being known as a consummate professional ensures you are compliant with our professional rules, helps you build a network of colleagues and friends, and opens doors to other opportunities, such as referrals for new business.

**C. Stay Educated**

Confidence in your ability as a practicing lawyer begins with knowing the law; you cannot successfully build your reputation when you lack the requisite knowledge of your practice area. Attending CLEs and regularly reviewing reference materials is obviously important for new lawyers just starting out, but it’s also just as important for more seasoned lawyers. While the Texas Disciplinary Rules of Professional Conduct require competence, strive to be more than just competent. Taking a genuine interest and pride in your cases and being well-versed in the applicable law will reflect in your work product. The Texas Bar College is an excellent resource and provides you with unlimited access to all CLEs in any practice area at a great value. This resource is especially useful for family lawyers because not only do you have access to the family law CLEs, but you also have access to CLEs in other areas of law like bankruptcy and immigration, for those cases involving a crossover of practice areas.

**V. MANAGE AND MAINTAIN YOUR PRACTICE**

Ask any attorney who’s been in business for themselves long enough and they’ll tell you: there is the practice of law and then there is the business of practicing law. While practicing law will put you in business, it’s understanding the business of practicing law that will help KEEP you in business. Like any business, your firm must be profitable to stick around for the long term. This means paying attention to your finances and ensuring you have systems in place that will enable you to acquire new business and be paid regularly and frequently. You will also need to identify when and how best to manage your firm growth.

**A. Watch Your Budget**

A business cannot be successful without proper financial management. You must prepare and regularly review your budget to ensure your firm remains operational and has adequate cash flow. Consult with a professional if you’re uncomfortable with or lack an understanding of how to build out a budget, where to cut wasteful spending, and what is a reasonable amount or percentage of firm income to spend on a given category (i.e., advertising). Using accounting software such as QuickBooks is an excellent way to track income, keep your expenses segregated, and generate financial

statements for budgeting and tax purposes. Be cognizant of your firm’s historical financial patterns of growth and loss to help you better predict a slowdown ahead and manage your financial expenditures to save for the lean times.

**B. Get New Business**

Acquiring new business is critical to maintaining your firm’s financial security. Time and money are limited. You will need to know where to look for future work and how to select top-tier clients to avoid wasting valuable resources.

1. Where to Look

Finding work as a new attorney or firm requires an internet presence. Have at minimum a website and a Google business page with a Google Maps page for client reviews. Consider hiring a professional to help build out your website and create online ads to increase your visibility. Many lawyers successfully secure business by maintaining a social media presence through pages dedicated to their firm and by writing posts or blogs to their page.

Build a personal network made up of family, friends, lawyers and other professionals, members of your community, and current and former clients. Join local bar associations and other organizations that will connect you with lawyers both outside and within your practice area as well as other professionals. While it may seem counterintuitive to think that you can get business from other family lawyers, family lawyers often refer, co-counsel, or contract with other family lawyers on cases due to time, the client’s financial constraints, and a host of other reasons. Join organizations or communities not related to the law with a focus on other things that matter to you, like religious groups or sporting leagues, and get to know the members of those communities while making some friends. The more people you know who know you’re an attorney, the wider net you cast, and the greater the likelihood that the phone will ring!

2. Selecting Top-Tier Clients

If you’re brand new to the practice area and have recently hung your own shingle, don’t be surprised if it takes six months or even up to a year for the phone to start ringing regularly. Planting the internet presence and networking seeds takes some patience. Stay the course and the work will come. When the phone finally does ring with that potential new client on the other line, don’t get so excited about the opportunity for work that you fail to properly screen the call or case.

The search for top-tier clients begins with the initial intake process and continues through the consultation. Top-tier clients typically possess the following qualities:

- a. Credibility (think likeability and reasonableness);
- b. Reasonable goals and expectations;
- c. Ability to pay your legal fees; and
- d. Ability to be managed by the attorney.
- c. Creating appropriately descriptive time entries;
- d. Regularly billing all clients at designated intervals; and
- e. Maintaining policies for late or no payments, payment plans, etc.

Don't rush through the initial consultation. In a typical case involving a divorce with children, it can easily take 1-2 hours to get background information, explain the law and legal process, as well as discuss options, goals, and an initial game plan. Be as thorough as possible at the outset and get the information from the potential client needed that will allow you to assess them, their case, and their ability to pay your fee. ALWAYS charge a consultation fee; after all, your time is valuable, and the potential client is receiving a service. A consultation fee will also weed out potential clients who are just looking for free legal advice and/or can't or won't be able to pay your fee. You should conduct in person consultations whenever possible for invaluable face-to-face contact, and if not in person, then consult on Zoom or other video conferencing platform.

As tempting as it may be to accept a case that doesn't meet the bare minimum requirements above – particularly if it's the only call you get that week – don't be afraid to turn a potential client away. Top-tier clients respect you, recognize the value of your work, and pay their bills regularly and on time. Accepting work from second-tier clients puts you at risk of stretching yourself too thin, not getting paid for your hard work, and letting the client manage you by taking unreasonable or untenable positions with opposing counsel or the court. The client selection process gets significantly easier with practice, even though you may wind up with second-tier clients in the process. The faster you learn how to say no – in a respectful way – the better off you'll be in the long run.

**C. Get Paid for Your Hard Work**

To run your own practice, you cannot shy away from discussing fees and ensuring you are paid for your work. Your firm cannot run without regularly receiving income and your goal should be to have a self-sustaining practice without the need for alternative financial infusions. Understand the value of the services you provide and be prepared to respond appropriately to those who don't. This means developing stringent billing protocols and payment policies, which should include:

- a. Beginning each case with a fee agreement and initial retainer payment;
- b. Concurrent billing on all tasks, even if you ultimately no-charge the task or discount your invoice;

1. Setting Fees

Your fee agreement should at minimum include the scope of your representation and a description of services to be provided; hourly rates of attorneys and staff; how, when, and what the client will be billed for and payment terms; and terms that provide for the replenishment of retainers and payment for expenses. Hourly rates and fees on cases may vary; however, you may not charge an unreasonable or unconscionable fee. *See* Tex. Disciplinary Rules Prof'l Conduct R. 1.04(a). Our rules provide factors to consider when determining whether the fee charged is reasonable. *Id.* at 1.04(b). The State Bar of Texas periodically publishes on the Texas Bar page hourly rate fact sheets based on attorney surveys and provides breakdowns of rates by sex, race, ethnicity, age, law firm size, years of experience, practice area, and location. You should also connect with other attorneys practicing in your area to help determine the going rate given your experience, practice area, and location.

Retainers are advanced funds the client pays to secure your services and ensure you will be paid for at least part of the work performed. Retainers should be deposited into your trust account and applied to the invoice once transmitted to the client. An evergreen clause is a provision that requires the client to maintain the retainer account, and once the retainer falls below a certain amount (i.e., 50%), the retainer is refilled back up to its original amount. The amount of the retainer may vary depending on the type of case, the issues involved, and your estimated time and cost projections for anticipated tasks. Depending on the attorney's preference, the retainer may be in an amount high enough to fund the initial part of the case or the entire case itself, or the attorney may have set retainers depending on the type of case. Selecting the retainer amount can be tricky; it should be high enough to ensure you are paid for the heavy front loading that family law cases typically require, but not so high that clients who would otherwise hire you if required to refill the retainer periodically are now unable to afford your retainer due to the upfront costs.

2. Managing Client Expectations and Satisfaction

Be honest and straightforward at the consultation about your fees and discuss with the potential client essential elements of your billing protocols, such as the amount of your initial retainer, whether you have an evergreen provision, and what they will be billed for and

how often. Be sure to also discuss the ramifications if they don't pay or keep their account current.

While it is absolutely critical to parse out top-tier from second-tier clients and have a meticulous billing system, you'll want to balance the necessity of being paid for your work with being fair and reasonable about your billing. It is unrealistic to expect that you will always be paid every penny for all the time you've ever worked on all your cases. Lawyers routinely no-charge or discount their own time based on a variety of reasons. When determining whether to no-charge or discount, use your judgment and consider what an objective, reasonable person would think – or the judge when you're proving up your attorney's fees – to determine whether the amount of time you spent on a task was reasonable given its complexity and significance to the case. Some factors to consider are:

- a. If requesting attorney's fees, would you feel comfortable justifying your fee in Court?
- b. Does the task involve researching a common, frequently arising issue or an uncommon, unique issue?
- c. Did you make a promise to the client as to the fee for a particular task? (Practice tip: don't promise!)
- d. Do you feel that you spent an unnecessarily long time on a task?
- e. Is this task for a top-tier client who pays their bills regularly, promptly, and without complaint?
- f. Have you previously no-charged a task or discounted this client's bills?

It is helpful following the completion of a case or specific task to go through your bills and determine how much time you spent performing certain tasks. This will help in setting future retainers and making cost projections, and will also force you to determine whether there are areas you could stand to be more efficient.

Additionally, if you do no-charge time, make sure you leave the time on the bill so there is a record of what time was "given back" to the client. This is beneficial when proving up attorney's fees and if a client complains about your fees.

**D. Build Your Team**

A benefit to hanging your own shingle is the autonomy to determine your growth rate. You decide which cases to take and how many cases to manage at one time. Some attorneys choose to remain truly solo, while others decide to take on partners, associates, and/or support staff. This depends ultimately on your practice area and goals. Due to the unique facts of each case and the unpredictability of ever-changing

circumstances, it is less common to see family law firms with a high-volume, lower fee generation model like you may see with personal injury law firms. In this author's experience, large family law firms made up of more than 5-10 attorneys appear to be the exception rather than the rule. It appears more common for family law firms to be made up of a solo or a few attorneys with one or more support staff members.

Not every attorney envisions running a practice so large it takes up half a floor of a high-rise building, but even if your goal is to remain small, it's difficult to grow without at least one team member to whom to delegate tasks. It can be a struggle to determine the right time to bring on someone new and who to bring on to start. The answer of when depends on your resources and needs, and whether you want to be proactive or reactive. A proactive approach calls for hiring before you get too busy and building up the new hire's hours as needed, while a reactive approach has you potentially waiting until you're so busy, you're working much longer hours than you prefer or don't have any time to bring on new business. If you have the resources, the right approach would be hiring somewhere in the middle of that time frame: hire too early and you could be wasting money; hire too late and you risk scrambling and hiring on so fast that you don't take the time to find or train the right person, only to be back at it again if/when the new person is out the door.

Once you determine when to delegate, you need to determine what to delegate. Think about the work you need done and the most valuable way to allocate your resources. If you're a new attorney, chances are you probably don't have the work for a second attorney, nor the funds available to hire trained support staff. Rather than immediately hire someone to perform tasks that you're still learning yourself, you should train yourself how to do every procedural and substantive task a case requires in the manner that you prefer it be done - from scheduling a consultation to drafting final orders. You should be self-reliant and know how to do every task a case requires from beginning to end. This is especially valuable in the event you find yourself unexpectedly solo or needing to train a new hire.

1. What Tasks to Delegate and to Whom

Some common responsibilities to delegate from the outset include those non-substantive tasks that require trained people in nonlegal roles, such as accounting, payroll, and internet marketing. Once you have trained yourself to do every task a case requires, consider the areas of your practice that take up time you could be billing and becoming more profitable.

Solo attorneys often spend too much time on administrative, non-billable tasks like answering phones, scheduling, preparing and transmitting mailings, and ordering office supplies. Solos also risk

spending inordinate amounts of time on tasks that could be performed by a paralegal at a lower rate, such as conferring with the client on homework files or discovery documents, drafting discovery, and preparing discovery documents for production. Hiring a paralegal frees up your time to bill for attorney work at an attorney rate and creates an alternate profit center. This will also help manage your caseload without bringing on a new attorney, who could be more or less expensive than a paralegal, depending on their level of training. If you need help with court appearances or attorney tasks, then bringing on a new associate may be the way to go. If you're looking to expand your practice area or increase your firm's book of business, you should consider partnering with another family law attorney or an attorney in a complimentary field, such as probate, business, or personal injury.

**2. Prepare to Find "The One"**

Familiarize yourself with federal and state laws and regulations regarding the hiring of employees vs. contractors, and proper hiring, onboarding, employment, and offboarding practices. The Texas Workforce Commission ([www.twc.texas.gov](http://www.twc.texas.gov)) has an incredibly robust, user-friendly website and even publishes on the site a free Texas Guidebook for Employers that contains sample forms and information covering a wide variety of topics geared toward helping employers comply with the law. Employers may also contact the TWC Employer Commissioner's legal staff at 800-832-9394 or 512-463-2826 to receive more detailed explanations and information pertaining to specific situations.

To find good people, reach out to your network of colleagues and friends – both within and outside the practice of law – to see if they know anyone looking for work in the legal field and connect with the career service departments of nearby schools and specialty programs to scout for interns and recent graduates. You may also post on social media and job search sites, like Indeed or Zip Recruiter. Think carefully about your ideal hire and be as descriptive as possible in your job posting. It's not uncommon to be flooded with too many resumes to review, so have dealbreakers in mind that will help you as you parse through your stack (i.e., poor grammar, gaps in employment without explanation, not at any one job for longer than six months, etc.). Being upfront in your job posting about dealbreakers for both you and the applicant will save you time and the headache of conducting unnecessary interviews. At minimum, your job posting should contain:

- a. A brief description of your firm;
- b. A brief description of the firm environment and characteristics of the ideal candidate;
- c. Job title, description, and qualifications;

- d. Whether the position is part-time or full-time and the number of hours/days per week required;
- e. Whether the position is remote; and
- f. Pay range, and availability and type of benefits.

With the number of options available for obtaining in person or remote assistance, you may find it unnecessary to have the physical space to support another team member, but you do need to ensure that whomever you hire or partner with has access to the same programs, systems, and protocols as are available firm-wide, and that any work performed or transmitted remotely is protected with similar security and HIPAA compliant measures.

**3. Hire for Fit, Train for the Work**

Many firm owners simply don't have the financial resources to entice highly qualified or trained attorneys or support team candidates away from potential large firm employers who can pay above-market or provide a bevy of benefits. This doesn't mean that you won't be able to find a high-quality candidate; you'll just need to get creative in your search! If you're looking for an attorney to hire or with whom to office share, the fee arrangements you may contract for amongst yourselves are limited only by your imagination, contract law, and the disciplinary rules. *See e.g.* Tex. Disciplinary Rules Prof'l Conduct R. 1.04(f) (division of fees between lawyers who are not in the same firm), 7.03(e)(2) (referrals between lawyers).

Rather than just searching for those with prior legal experience, consider bringing on someone brand new to the legal field who you can train. If you're unable to offer traditional benefits, you can provide alternatives like paid time off or bonuses. Look for applicants with experience in other areas that require traits that translate well to the legal field and/or who want to learn. For example, if you're on the search for a paralegal, consider hiring a legal secretary who is interested in on the job training. Look for applicants with experience in banking, the restaurant or retail industry, or even teaching.

Don't overestimate the level of experience needed or underestimate the importance of hiring for personality. Ideal candidates are those who fit well within your firm culture and with whom you enjoy working. You cannot expect someone new to come in and know exactly what to do right away. Even if you hire someone with experience, you will still need to train them on your practice management system and preferences. Be prepared to put in the time and effort to train and communicate with the new hire about how to perform each necessary task as it arises and what can be done better the next time. Engage constructively about

the purpose of the tasks and demonstrate to them how much you value their contributions by telling them what they've done well and financially incentivizing them as you are able. Encourage them to take pride in their work and always lead by example.

**VI. PLANNING FOR THE UNEXPECTED AND THE INEVITABLE**

How will your firm operate if a flood destroys your office? What if something happens to you on the way to work today and you are no longer able to practice law? No one likes thinking about it, but considering worst-case scenarios is an essential element to running your own firm and being a practicing lawyer. Luckily, there are many informative reference materials available online through the State Bar of Texas and the Texas Bar Practice Law Practice Management Section websites that you can utilize to assist in thinking through scenarios and planning for the worst.

**A. Disaster Planning**

Critical to maintaining the continuity of your practice is preparing for foreseeable emergencies that could affect your daily practice, such as a systems failure or extreme weather event. One positive effect of the global pandemic is that it has also indirectly improved upon our disaster planning. We should have all become much more comfortable in recent years with working virtually and logging in remotely or to the cloud to access firm data and our practice management systems. If you have not already done so, ensure you have a place to work and ability to retrieve firm data in the event you are unable to go into the office or access your work computer or office files. Have your client and firm data backed up regularly and easily accessible both locally and offsite. Maintain a list of the contact information of everyone in your office, your clients, case contacts, insurance company, vendors, and others, and designate who is responsible for contacting or engaging with whom in the event of an emergency. Keep a secure list of passwords and account numbers. Pay attention to the weather forecast and have supplies like tarp, duct-tape, and large trash bags in your office to cover or protect your computers and other valuable items. Taking steps such as these and documenting a simple, flexible plan to follow pre- and post-emergency will go a long way to ensure you are prepared if/when disaster strikes.

**B. Succession Planning**

The State Bar of Texas encourages attorneys to designate a custodian attorney to help wind down your practice in the event of your death, disability, or other event that causes you to suddenly become unable to practice law. *See* Tex. Disciplinary Rules Prof'l Conduct R. 13.04. Think about who should determine

whether a triggering event has occurred, like your doctor or spouse, and have in writing an agreement with the custodian attorney as to what duties the attorney should perform following the triggering event and for how long. The duties of a custodian attorney generally include accessing the client files, notifying relevant parties of your cessation, and surrendering the file, but they can also include other, more specific duties. You may also need to coordinate with others to grant the custodian access to specific places or data, like your office or financial accounts. The State Bar of Texas publishes an online handbook entitled *Assumption of Practice: A Custodian's Guide* that offers guidance, forms, and the contact information of those who can help answer questions about the process.

You can designate a custodian attorney online through the State Bar of Texas website. Your successor attorney is equally bound to the Texas Disciplinary Rules of Professional Conduct, and accordingly, your clients will need to consent to the sharing of confidential information with the attorney. Include a provision in your fee agreement consenting to the successor attorney's access and use of the client's confidential information should the need arise.

**VII. CONCLUSION**

Each attorney who ultimately decides to hang their own shingle does so for a variety of reasons. This article has made no attempt to define "success" for you by a single point in time or dollar amount in your operating account. While you define success by determining your goals and regularly assessing your proximity to those goals, the work that goes into reaching those goals and the attitude to grow, maintain, and sustain a law practice is no secret. Your journey will not be a straight, upward trajectory; some days you'll be on top of the world and others will have you feeling overwhelmed, defeated, or disappointed. Take the time to feel your feelings, get the emotional or mental support you need, and keep it moving. Put in 110% each day, and before you know it, you'll look back one day and surprise even yourself by how far you've come.