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# Revealing the Naked Truth About Solos

By Gary A. Munneke

The tabloid headlines would be clear: there is some mysterious secret that solo practitioners are hiding. Readers will learn the salacious details by turning to their *Journal* for the unfolding story, the naked truth, about this secretive clan who eschew partnerships with other lawyers, the clan's mysterious rituals and its clandestine practices. It is a story that would make Dan Brown drool.

Like most tabloid journalism, the truth about solos is a lot less titillating than the headlines. This group of lawyers makes up the largest segment of legal practitioners in New York and every other state in the United States. Outside of metropolitan areas, solos represent the bulk of most law practices, and even a "large" firm in many small towns likely will have five lawyers or fewer. The decision to become a solo practitioner may have been driven by any number of considerations:

- Family and personal contacts in a particular geographical area – the lawyer may have been born in a particular county, moved there at some point in life, or spent a significant amount of time there;
- A spouse or significant other with family and contacts in the area;
- Clients or business contacts from the area;
- Attendance at law school or college in the area;
- Opportunities found through research on the geographical area, including the legal needs of the community; or
- Whimsy – as in, "You know, I've always wanted to live in the Adirondacks, and I'm not getting any younger."

People become solos for different reasons. It is worth noting that regardless of why one made the decision to go solo, the reality for solos is that they are where they are. There is evidence to suggest that many lawyers move in and out of solo practice and small firm partnerships throughout their career. A partner in a two-lawyer firm may spin off her own solo practice, only to become partners with another lawyer several years later, and still later end the partnership to form an office-sharing arrangement as a solo again. But to the extent that the original motivations to go solo are related to long-term career expectations, these motivations may be useful to consider:

- Some lawyers become solos because they read *To Kill a Mockingbird* in high school and retain the vision of Atticus Finch, the independent, respected and prosperous small town lawyer, who serves justice and lives out the American dream.
- Some may have decided in law school that they do not want to work for a law firm and so opened a law office right out of school (over the past 30 years, this number has hovered at around 5% of law school graduates, according to the National Association for Law Placement).

- Some graduates may take the solo plunge because they do not find jobs with law firms (or at least the law firms of their choice). This group has swelled for the 2008 and 2009 graduating classes, and may continue to grow in 2010.
- An even larger number of law school graduates work as associates for several years with a law firm, learning the ropes of practicing law before leaving to start their own firm.
- A subset of this group, described as "suddenly solo," consists of lawyers who have been laid off by employers squeezed by the economic downturn – although, to be fair, even in the good times involuntary attrition from law firms drives many lawyers to solo practice.
- Although much of the conversation about hanging out a shingle focuses on recent law school graduates and younger lawyers, the majority of all solo startups are by experienced lawyers who leave partnerships both voluntarily and involuntarily.
- The last group comes from corporate and government jobs. These lawyers have learned commensurately with their peers in private practice how to deliv-

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er legal services, but they may lack the business and marketing skills to manage an independent private practice where profit and salary are identical.

Solos practice in a variety of different settings, reflecting where they are, whom they represent, and what they want out of the practice of law. One lawyer may practice alone because he just doesn't want to have to answer to anyone else, especially a law partner. Another lawyer may form a partnership with the espoused goal of building a larger law firm. It is worth noting that Skadden, Arps started out as two lawyers and a dream. The traditional model for the solo practice consisted of a single lawyer with a jack-of-all-trades secretary who ran the back side of the business while the lawyer practiced law. Over the years, many variations on this theme have emerged:

- Some lawyers have expanded the traditional model to include multiple paralegals and other support staff. A lawyer who retains a staff of 10 secretaries and paralegals is still a solo.
- A few lawyers, while operating as sole proprietorships, employ additional lawyers as associates or contract lawyers with no realistic prospect for partnership.
- Two or more solo lawyers may decide to share office space. They may purchase a building together, or take advantage of a lease conducive to a multi-lawyer practice, but have no interest in forming a partnership; they may even be former partners who dissolved their partnership, but continue to practice in the same physical space.
- A true solo lawyer may be described as one who practices with no staff at all. This solo may practice in what looks like a traditional law office, nest in another law office or business, or work from home, but the distinguishing element of this model is that the lawyer does not employ anyone on a regular basis.
- Some new lawyers lease office space from existing firms, frequently under a work-for-space arrangement, and benefit from the use of the existing firm's staff, conference rooms and other facilities.
- An increasing number of lawyers lease space in legal suites where a management company provides the space and all the back office support to a number of solos and small firms within the suite.
- Finally, this list would be incomplete without mentioning the emergence of Internet lawyers, whose practice is in cyberspace. These lawyers may have a home base, but they are just as likely to be mobile practitioners whose office is wherever they are, provided they have an Internet connection.

The variety of solo practices illustrates the difficulty of describing the typical solo lawyer, especially for a magazine like the *Journal*. Yet, the editors believed that it was important for the *Journal* to address questions relevant to solos. Not only are solos the largest cohort of lawyers licensed in New York, they are also the least likely to join the New York State Bar Association. In 2008, NYSBA created a Special Committee on Solo and Small Firm Practice to study and make recommendations concerning solo and small firm practice in New York. The Committee Report, which was released in April 2009, was adopted by the State Bar House of Delegates in June. The recommendations are incorporated in this issue, and many of the recommendations relate to increasing the focus of communications to solo and small firm lawyers. Recognizing the challenge of reaching such a diverse group of lawyers, the *Journal*, in cooperation with the Law Practice Management Committee, has assembled what we believe is a lineup of useful and interesting articles:

- David Wilkes leads off with an examination of the essence of solo in "What It Takes to Market Yourself and Your Practice," look-

ing first at the decision to become a solo practitioner, and then describing what someone choosing to become a solo needs to do to market that practice.

- A related topic is addressed in a short article by Cynthia Feathers, titled "How to Fly Not-So Solo." She argues that by participating in bar association activities, solos can reap many of the benefits of group practice without the hassles.
- Next, Nancy Schess, in "Get It Right From the Start: Human Resources Compliance for the New Law Practice," provides an excellent overview of how employment laws apply to law firms. Although most lawyers know generally that these laws exist, many do not think about how the provisions apply to them.
- In "Smartphones, Laptops, Clouds and Tweets: The Reluctant Entrepreneur Builds an Office," Carol Schlein offers suggestions for lawyers opening their own practice regarding the technology they will need in order to practice law efficiently and successfully.
- Finally, this issue includes a summary of the recommendations of the Report of the Special Committee on Solo and Small Firm Practice, for your information.

This certainly is not the end of what could be or needs to be said about solos. Watch for future solo-oriented articles in the *Journal*. Read the two electronic newsletters of the Law Practice Management Committee, the monthly *T-News* (on technology) and the quarterly *LPM e-Newsletter*. Look for additional resources – programs, books, articles, Web links and blogs – on the NYSBA Solo Web page, <http://www.nysba.org/solo>. If you have questions about the solo practice of law, you can contact NYSBA's Director of Law Practice Management, Pam McDevitt ([pmcdevitt@nysba.org](mailto:pmcdevitt@nysba.org)), who will either answer your questions or refer you to someone who can. ■