

GOING SOLO

Starting a Law Practice Without Experience

By Sara Dysart

How does an attorney acquire clients and build a reputation without experience? It is a conundrum!

Embedded in this quandary are other questions. How does a newly licensed attorney get experience practicing any area of law? How does an attorney wanting to change career paths get experience in a new practice area?

I just reviewed the State Bar of Texas Career Center's posting for the eight featured legal jobs and all of them require some experience in the job's practice area. The postings varied from requirements of 1-2 to 5-7 years' experience.

One confidential posting for a real estate attorney piqued my interest. The featured posting is for a transaction attorney with 1-3 years prior experience. While this does not address the conundrum, it does provide an excellent summary of what it takes to be hired. The posting sets out a job description with the kind of work involved. It then describes the required skill set and personal characteristics – excellent writing skills, diligence, independence, time management skills. Finally, it provides a call to action for the job seeker:

This position is ideal for an attorney with a long-term interest in developing their [sic] own practice, and the firm offers a fast partnership track for productive associates.

I found this last element most intriguing. It addresses the value of hiring associates who understand the importance of developing their own clients and who will stay with the law firm as a partner representing those clients. This is “where the rubber meets the road.” Every attorney seeking a position should market her understanding of the importance of developing clients for the firm.

Apply for a position even if you can't check all the boxes. Is the conundrum still unresolved? I submit that only rarely does an applicant have all of the stated qualifications. An applicant who does not apply for a position because of the inability to check all the boxes is selling herself short. Why shouldn't an attorney with no prior experience in the practice area who (1) is interested in assisting in transaction matters, (2) has excellent writing skills, and (3) is hard working, independent, and responsive with excellent time management skills, apply for this position, especially when that attorney can make a strong case for client development skills? While I am not the hiring partner at this or any law firm, I think most hiring partners will entertain a cogent pitch on an attorney's understanding of, and interest in, client development.

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Get experience any way you can. Another suggestion for law students and attorneys is to get experience any way you can—seek internships or other related employment opportunities at, in this particular case, banks, mortgage companies, title companies, or real estate brokerage firms. You will learn from these experiences and can market them as a way to confront the conundrum - minimum prior experience.

Work at a law firm before starting your own practice, if possible. What about attorneys who want to start their own law practice? I actually did this twice! The first was as a second-year attorney after clerking for the Texas Fourth Court of Appeals. The second time was after being with a law firm for more than six years. Starting my own law practice after gaining experience at a law firm was a lot easier than starting my own law practice with minimal experience.

As a second-year attorney I did not know how to practice law or run the business of a law firm. I had sold condominiums during law school for a real estate developer who hired me on occasion to work with his experienced real estate attorney. Other attorneys hired me to write appellate briefs. I drafted wills and represented clients on real estate transactions. When the opportunity to join a law firm became available, I did not hesitate. It was at this law firm that I gained the experience as a commercial real estate attorney.

Six and a half years later, facing a downturn in the real estate market, I left the law firm and started my own law practice. Charged with developing my own client base, I thought I could do so more successfully on my own. I am not sure whether or not that was the right decision at the time; but it was the decision I made. At least the second time around, I was equipped with expertise in commercial real estate law and contacts in the community. Thirty years later, I am glad that I made that decision.

Get involved with the State Bar of Texas through CLE presentations, sections, and committees. The State Bar has played a significant role in my legal career. I continued to develop my expertise while being a sole practitioner by giving State Bar CLE presentations, being an active member of REPTL, the real estate probate & trust law section, and serving on the SBOT Real Estate Forms Committee, which I currently chair. Through my State Bar service, I have gained the respect of my colleagues and become friends with attorneys throughout Texas—not to mention receiving a number of client referrals.

Use the “magic formula.” In hindsight, I believe the magic formula for a successful law practice is (1) having a known legal expertise which can be enhanced by board certification, (2) working hard, and (3) charging a fair price for legal services.

Furthering your experience and broadening your circle of friends and contacts through bar service, community involvement, and attention to opportunities that help other professionals through effective networking will enrich your practice and your life.

Sara Dysart is the owner of Sara Dysart, P.C. in San Antonio. She is board certified in commercial real estate law. Sara is a candidate for President-Elect of the State Bar of Texas. For more information about her campaign, go to www.SaraforLawyers.com. Sara can be reached at sara@dysartlaw.com.