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Creating and Maintaining a Solo Practice Research Guide

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Creating and Maintaining a Solo Practice Research Guide

By Kent Bailey

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Introduction, Scope, and Jurisdiction

This is a research guide focusing on the creation and maintenance of a small legal practice. This guide is intended to be a resource for young attorney’s interested in starting their own business to practice law. It contains the necessary materials, to be used as a starting point in guiding the first six months of preparation. For someone looking to specialize in a particular practice area, or incorporate under a more complex corporate structure, additional research may be necessary.

As with any business, there are many aspects that go beyond merely providing a service to a consumer. Even the best attorney, without adequate business savvy, can helm an unsuccessful practice. The creation of this guide is aimed to provide a would be solo practitioner with the tools, not only to thrive in limited practice areas of the law, but also insight into some of the areas that are less intuitive in running a business as compared to the actual services provided.

This research guide is broken into three sections by practical competency. The first, titled “Getting Started: Formation and Resources” provides the reader with resources on how to operate a law practice in Georgia. This section offers information on corporate structure and the legal requirements to operate them, as well as literature on creating a business plan for the firm in question.

The second section, titled “Practice Maintenance” equips the reader with information regarding some of the softer elements of private practice. It contains information on keeping your bar license current, to accounting requirements for certain practice areas. It also provides pertinent information on malpractice insurance, and various practical aids such as calculating billing rates and advertising. Finally it contains a copy of the Georgia code of ethics guiding attorney behavior.

Finally, the third section, titled “Limited Appendix and Form Bank” provides the would-be solo practitioner with information useful in their early practice of law. This includes a number of simple forms in the practice areas limited to Probate Law, Uncontested Divorce, Entity Formation, and Transactional Contract Drafting. While not an exclusive source, this bank is intended to provide skeletal form and substance outlines to the new attorney in simple practice as they take on their first clients.

This guide will be most useful for a recent graduate with limited experience and resources. For established attorneys looking for resources regarding complex corporate structures or niche practice areas, additional research outside of this guide may be required.

Disclaimer

This research guide is a starting point for a law student or an attorney to research the area of Creating and Maintaining a Solo Practice. This guide should not be considered as legal advice or as a legal opinion on any specific facts or circumstances. If you need further assistance in researching this topic or have specific legal questions, please

contact a reference librarian in the Georgia State University College of Law Library or consult an attorney.

1. Getting Started – Formation and resources:

1. Starting Your Georgia Law Practice

- The *Guide to Starting Your Georgia Law Practice* is the state bar of Georgia's famous "Office Start up Kit," and it answers almost all of the questions about opening a practice in Georgia. The contents include thoughts on hanging out a shingle, choice of entity selection, marketing, office automation, trust accounting, social media and more. Call Kim Henry at 404-527-8772 to get your copy. (Available via in-person pick up and mail delivery only.)
 - <https://www.gabar.org/committeesprogramssections/programs/lpm/Start-Up-Resources.cfm>

2. First Start Business Guide.

- From the office of the Secretary of State Brian P. Kemp. This 39 page resource provides directories and contact information to all regulatory agencies regarding small businesses in the state of Georgia. Among them, this guide provides in detail the necessary requirements in creating a business entity depending on the type of structure the business will take on, as well as the relevant contacts and information needed to fulfill these obligations. It provides fee schedules for licensing as well as information regarding state EIN and TIN (Taxpayer Identification Numbers) which are required by all businesses in the state of Georgia. This is the perfect resource to educate oneself on the necessary requirements to start a business in Georgia
 - [http://sos.ga.gov/admin/files/First stop business guide.pdf](http://sos.ga.gov/admin/files/First_stop_business_guide.pdf).

3. Federal Employer Identification Number

- This IRS site is geared towards all tax related inquiries one would have regarding requirements for a solo practice. This includes the application for a federal EIN (Employer Identification Number) which is required by all entities, regardless of structure.
 - <https://www.irs.gov/businesses/small-businesses-self-employed/starting-a-business>

4. Richard Bobholz, Law Firm Choice of Entity.

- This article provides the reader with the available structures with which to form their practice, including corporations, limited liability companies, subchapter S corporations, partnerships, and sole proprietorships. It defines each structure as well as listing the benefits and drawbacks to each, allowing the reader more insight into what structure may be most appropriate for the type of practice they wish to engage.
 - <http://www.americanbar.org/publications/tyl/topics/solo-small-firm/law-firm-choice-entity.html>.

5. ***Cari Twitchell, Creating a Business Plan, Step Two: How to Actually Write Your Business Plan. (2015).***

- This resource provides in detail how to create a structured business plan for a solo-practice, dictating the necessary attention to detail the practitioner must have. It serves as a template to ensure the firm is well planned and can be used as a document that serves to promote the ultimate vision of the firm, requiring them to put to paper estimated financials, advertising, specialization, etc.
 - <https://lawyerist.com/83157/creating-business-plan-step-two-actually-write-business-plan-template/>

6. ***Continuing Legal Education***

- CLE's are a requirement to keep one's law license active. As a solo practitioner, it is the individual's responsibility to stay current on CLE's. This website by the American Bar Association provides resources on available CLE's courses in person and online.
 - <https://www.americanbar.org/cle>

2. **Maintaining a Practice**

1. ***Generally***

1. **The General Practitioner's Solo Guide to Opening a Law Office.**

- This high-level overview details some of the underlying responsibilities with regards to maintain a practice day to day. These include overhead management, marketing, etc.
 - http://www.americanbar.org/publications/gp_solo/2014/january-february/the_gpsolo_guide_opening_law_office.html

2. **American Bar Association.**

- The American Bar Association is a membership organization providing a wide array of resources to all practicing attorneys. It can serve as a great networking tool to solo-practitioners as well as keep the practitioner apprised of happenings in the legal industry. This is a must have membership in the legal industry as the resource support is extensive.
 - <http://www.americanbar.org/aba.html>

2. ***Bank Accounts***

1. **Model Professional Rule 1.15 – IOLTA Accounts**

- The law concerning IOLTA accounts, rule 1.15 (ii) safekeeping properties. Attorneys are required to keep certain client funds in interest bearing trust accounts, separate from other business funds.
 - <https://www.gabar.org/barrules/handbookdetail.cfm?what=rule&id=45>

2. Approved IOLTA Account Institutions

- List of approved IOLTA account institutions
 - <https://www.gabar.org/attorneyresources/ioltaapprovedbanks.cfm>

3. Law Practice Management Software.

- This site provides the reader with detailed comparisons of differing legal software that will aid in the maintenance of a practice. It offers price comparisons as well as capability differences that would apply to the reader.
 - <https://lawyerist.com/law-practice-management-software/>

3. *Malpractice Insurance*

1. Malpractice Insurance

- A resource on Malpractice Insurance, providing what it covers as well as the process of undergoing a malpractice claim. While not required in GA, Malpractice insurance is a necessary expense for a newly admitted solo practitioner.
 - http://www.americanbar.org/portals/solo_lawyers/going_solo/malpractice_insurance.html

2. Malpractice Insurance Approved Providers

- A List of the admitted Insurance Providers to the State Bar of Georgia
 - <https://www.gabar.org/attorneyresources/insuranceofferings/malpractice-insurance.cfm>

4. *Practice Tools*

1. Sam Glover, Lawyer Hourly Rate Calculator.

- This article provides the would-be practitioner with some practical advice around billing and what is necessary to hit income targets, with a simple calculator to put it into perspective. It also provides the reader with some insight into the market, and competition when it comes to a prevailing market rate and deviations.
 - <https://lawyerist.com/84440/lawyer-hourly-rate-calculator/>

2. Practice Area Specific Free Resources

- From the ABA, this section provides resources, forms, industry updates, to many of the practice areas common to solo practitioners in small firms including probate, small business, real estate, and litigation.
 - http://www.americanbar.org/portals/solo_home/practice-area.html

3. Rules and Regulations for the Organization and Government of the State Bar of Georgia. - Part IV. Georgia Rules of Professional Conduct.

- This section guides the practicing principles and outlines the ethical concerns of an attorney. This should remain top of mind for a new solo practitioner so that they do not violate the rules and open themselves to any malpractice claims. It includes such topics as the Attorney/Client privilege as well as the limitations to advertising for a practicing attorney.
 - <https://www.gabar.org/barrules/georgia-rules-of-professional-conduct.cfm>

4. Davis & Shulman's Georgia Practice & Procedure

- This resource provides a chapter by chapter analysis on the ins and outs of Georgia Practice and Procedure. Available on Westlaw, it provides a total of 31 chapters of material, varying from court structure and authority, to Motions Practice. This is not a free resource, so may not be available to all practitioners. Many sources in the form bank below are pulled from this resource.

5. Brown Georgia Pleading, Practice, & Legal Forms Annotated

- This resource includes a version of the Georgia Code, as well as guidance with regards to the active practice of the law, complete with legal forms and templates on a wide variety of subject matter. This again, is not a free resource, although many of the forms below are pulled from this resource.