

Ep #66: Build a Law Practice that Reflects Your Values, with Carolyn Elefant



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John E. Grant

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There has never been a better time in the history of lawyers to start your own law practice. And that's a line I've been saying for at least a decade and it gets truer every time I say it. The tools, the know-how, the access to support, it's all better than it's ever been and it keeps improving every day. And in this political moment, that matters more than ever.

Maybe you're a government lawyer facing job uncertainty. Maybe you're working at a bigger firm that's taken a political or moral stance that does not align with your values. Or maybe you're just working for a garden variety jerk, the kind that's been a feature of this profession for far too long. Whatever your reason for considering solo practice, know this: going out on your own is not just possible, it might be the best thing you can do for yourself and for society.

That's why I invited Carolyn Elefant to chat with me this week. She's the brains behind myshingle.com and the book *Solo by Choice*, which I think of as the go-to guidebook for creating a startup law practice that aligns with your values and serves your life. And if you already have your own law practice, which most of my regular listeners probably do, you'll want to listen in to find out ways you can engage and inspire your team so that they're motivated to stick with you instead of going out on their own.

So whether you're thinking of starting your own practice or you want to make your existing one stronger, you'll want to hear what Carolyn has to say.

You're listening to the *Agile Attorney Podcast*, powered by Agile Attorney Consulting. I'm John Grant, and it is my mission to help legal professionals of all kinds build practices that are profitable, sustainable, and scalable for themselves and the communities they serve. Ready to become a more Agile Attorney? Let's go.

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John: Alright, well, I'm excited this week to welcome Carolyn Elefant to the podcast. Carolyn, I've known your work probably since 2000, when did your first book come out? 2008?

Carolyn: Exactly.

John: Seven? Okay. I went and found it. So I have I have the original one and then I also have the updated copy. I don't have I don't have the second edition. Aside from what I just teased, which is you've written a book called *Solo by Choice*, for those of you that aren't watching on the video, I'd love to have you introduce yourself and explain what you do.

Carolyn: Sure. Thank you. So, thanks for having me on this podcast. It's very exciting. As you mentioned, as we were speaking before, we've known each other for a long time but may not have ever had a conversation directly.

I am a law firm owner in the DC area. I have a national practice that focuses on renewable energy and environmental justice. And I also started one of the first legal blogs. My blog was called myshingle.com. Its purpose was to inspire and empower solo and small firm attorneys. And that started in 2002. So it in December it celebrated its 22nd birthday, which is quite old. It's even past teenage years. So the book *Solo by Choice* grew out of the My Shingle blog, but essentially My Shingle focuses on some of the nuts and bolts of starting a firm. More recently, it's had a very AI forward focus just because AI is an integral part of starting a new law firm these days, I think.

But there's still a lot of posts about the nuts and bolts and also the role that solos and smalls play in the largest larger justice system because people forget that we represent the majority of individuals in the US. Solo and small firms account for like 70% of practicing attorneys. So...

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John: Well, and I will count myself as one who was inspired by My Shingle. And, you know, my my journey and you know, some of my podcast listeners know this, but I I come from a family of lawyers, but I had no intention of becoming a lawyer and I worked in the tech industry for almost a decade out of undergrad. And then got the, you know, the family bug and and went back to law school anyway. But I did the sort of the traditional thing where I had a great second year summer associate job with a regional, good sized regional practice.

And objectively, everything about it was great, right? The people were great, the work was interesting. They had nice fancy offices, etc., etc. But having come out of this sort of more corporate experience, I knew coming at the end of that, basically they made me the job offer at the end of the summer associate, and I turned it down.

And this was back in, you know, the summer was summer of 2006. I graduated in 2007. The career services director at my law school used to joke with me for years afterwards that I turned down the last job offer that anybody ever got coming out of the last recession, which it's as we sit here in March of 25, we seem to be maybe on the cusp of another one or April now of 25, we seem to be maybe on the cusp of another one. Hopefully not, but the stock markets are not happy today.

And again, I made that decision before I found your blog and eventually your book, but it was clear to me at the time that what I hope to use my legal education for, both in terms of my personal fulfillment and also sort of the impact I wanted to have in the world was going to be easier for me to achieve in my own practice than in somebody else's. And I think that you you are instrumental in helping people who feel that way.

Carolyn: Right. I mean, that's what I always viewed as one of the motivating factors for starting a firm. And I think before *My Shingle* and before *Solo by Choice*, a lot of the books on starting a firm presupposed

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that you already knew that's what you wanted to do. And what I wanted to do in *Solo by Choice* is make the case for it and show people that you have a choice. And even in the times when it seems like there are no other options, if you have a law degree, opening a firm is an option and it gives you a choice.

John: Absolutely. Yeah. And again, the sort of the impetus for finally inviting you on is all of these sort of larger national law firms that seem to be making decisions that are certainly not in line with my values. They're not in line with the values of a lot of the people who work there. But I think maybe the attorneys and especially probably the younger attorneys or the newer attorneys, in those larger practices maybe feel stuck in either that type of practice or the higher end of the industry. And, you know, one of the statements I make all the time, and I think it's sort of an evergreen statement, which is there's never been a better time in the history of lawyers to start your own practice.

Carolyn: Yeah, I would agree with that. And the impetus is coming from two places, both from attorneys employed at large firms that have policies that may be divergent from these attorneys' values. And also the federal government, which is just experiencing a rash of layoffs is never seen before.

In the DC area, people are just scrambling. It's every day you meet somebody who's been laid off from an office. I mean, these are unmasked layoffs. It's not just like, you know, a 100-person reduction enforce. These are thousands of people day after day. And contractors too because it has a ripple effect.

John: Of course. Yeah, I think that's right. Well, so let's maybe start with those people who maybe are exploring solo practice from a position of having less of a choice, right? Or they're, you know, finding themselves having to make a career move not by choice. What should they be thinking

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about in terms of solo practice or small firm practice versus, oh, I should be, you know, sending my 100 copies of my resume out to lots of firm names with commas and ampersands in them.

Carolyn: Yeah, so the options aren't mutually exclusive and you can certainly look for a job as you take steps to start a firm. And I think that makes you feel more empowered. If you're just sending out letters or emailing people or going to networking lunches and kind of feeling around for if anybody knows about an opening, it can be very demoralizing and you have no control, you just don't have any control. When you're starting a firm, even though it may not be your first choice, you have more control over the situation because you're taking affirmative steps towards doing something.

So I would say that the first thing is that the two options aren't mutually exclusive. And maybe you want to spend the first two or three months looking for job opportunities while exploring the solo option, maybe looking at other practice areas you might take on, learning a little bit about marketing and finding clients and setting up a website, looking at how AI can accelerate the start of your firm. So you can really do those two things at once. And that may be the best option for people who are sort of on the fence and aren't sure of how to deal with this sudden change in career path.

John: Right. That makes a lot of sense to me. And I think, well maybe this is something I can pose to you as a question, but I think one of the things that I run into sometimes is people think that starting your own law practice is this giant mountain that they've got to get up over the top of. And the reality is, you know, and I come from the world of like Lean and Agile. So I sometimes think in terms of minimum viable product. But one of the things I think is true is that the minimum viable law firm isn't actually that complicated.

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Carolyn: Yeah, exactly. I mean, you look at what a law firm does. A law firm solves people's problems. So what do you need to have a law firm? You need to have people who have problems and you need to have solutions for them. And the solutions, of course, you can already deliver through having a JD. So it's really just a matter of finding people who need your help.

And people have misconceptions about that too, because when you sit down and you think about the universe of people you know, you know, if you've been working for a while, there are people out there who may be in need of your services. And when you're working for at a job, people aren't going to come up to you and say, can you handle my case? Because it's just too theoretical. But once you start your firm and let people know you're out there, they may gravitate towards you. So that's, you know, just one of the ways to find the potential people to do something for.

But yeah, you're right. And I think when people start firms, they often overthink it and they take months and months setting up websites and doing market research and trying to figure things out when they'd be better off launching the minimum viable product and then kind of evolving as it goes.

John: I completely agree. I mean, it's funny, even all the way down to logos. And for some reason logo or like branding is one of those things that people feel like, oh, I have to get that exactly right or else I'm not going to send the right message into the marketplace or whatever. And, you know, my advice is always find a font you want and then print your initials in that font and that's your logo. It doesn't need to be more complicated than that to start.

Carolyn: Right, exactly. Yes. And again, AI is something that makes that much easier because you can go through all kinds of iterations and then when you find something you like, you can either hire a designer to

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recreate it for you or just, you know, replicate it yourself. So you can do so much iteration and experimentation in an hour that once would have taken weeks.

John: Yes, yes. Although I would say, you know, for again, from my standpoint in terms of like process and workflow, I think time boxing is important because you can spend an hour on that logo on GPT or Dolly or whatever version of AI you want to use. You can also spend weeks on that if you want to.

Carolyn: Yes.

John: You got to set a timer and stick to it and and kind of give yourself permission to say, okay, it doesn't have to be perfect. I'm going to use the best thing I can come up with in a short amount of time.

Carolyn: Right. Yeah. I mean, and the first again, the first thing your focus should be is just how can I make money?

John: Totally, yeah.

Carolyn: Where are the potential people that I can solve the problems for, whether it's clients or doing freelance work for other attorneys as you get your firm off the ground. That's also a way to get some quick revenue in the door. That's always, yeah, that's kind of what you've got to keep your eye on and all these other things are incidental as you mentioned.

John: Yeah. Well, and so I actually want to pull at that a little bit because, I mean, one of the things that I love about you is that you have a solo practice or small firm now, I think practice, but you're not in one of the areas of law that people think of as traditional for solo practice, right? And this is not a knock on those areas of law. We have tremendous need in society for family law lawyers and criminal defense lawyers and estate planning lawyers and all the things that I think a lot of people think of when

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they think of solo practice. But there are lots of people with very successful solo practices that are doing pretty high-end complex work. And I think you're one of them.

Carolyn: Yeah. So my practice evolved. I mean, when I started, I just envisioned myself as a low cost alternative to expensive law firms. And I didn't realize that utilities had a lot of money. They didn't really care about low cost alternatives. So that business model really didn't work too well. So I the industry was changing at the time and there were new categories of providers and a lot of renewables were coming on the scene. They were unrepresented by the bigger firms and they did care about what their rates were. So or what their costs were. And so I gravitated towards those. And the same with the environmental justice work and the work I do with land owners who are fighting pipelines or transmission lines.

That work kind of evolved because environmental groups weren't handling those cases for clients so they needed to look elsewhere and I didn't have any conflicts on that side of the aisle. So I took those cases on. So sometimes it's a matter of kind of looking towards the other side. I mean, if you were working at the SEC or the FTC and you're prosecuting cases or bringing civil actions for antitrust, you think of how you can use those skills on the other side or think of players in the market who are unrepresented that you might be able to expand the market for services with your expertise.

John: Right. Yeah. Well, among other things, well, I'm having colliding thoughts. One is that I think the thing you mentioned earlier, which is especially for people that are coming out of larger institutions, whether that's, you know, agencies, entities, or whether that's bigger law firms, there's sort of a tried and true initial model that is the quality of X but at a lower price point, right? I don't have all the overhead. I don't have the the layers, the brass and glass tower, whatever it is. And so I can provide the same service but cheaper. That can be a very effective starting point, but

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ultimately that's I think often just the launching pad to a far richer and more interesting type of practice once you let it be.

Carolyn: Yeah, it's a good place to start and then you want to be have the flexibility to evolve into different things or see what players are in the market. And then you also have the flexibility to do alternative billing structures. You're not beholden to the billable hour. I mean, a lot of solos do contingency work, which is an alternative billing model at its core. But they also do flat fees or hybrid agreements that are part flat fee, maybe reduced fee up front, and then some kind of bonus fee at the end. So there are a lot of different ways that you can structure your fees also when you're working for yourself.

John: Yeah, for sure. Well, and a lot of the firms I work with, we're actively pursuing either flat fee or phased flat fee in part because technology is driving hours out of the practice, right? And the hourly model is not the future.

Carolyn: Right, right. No, AI is really changing that.

John: But the other thing that I believe is true, and well, and I think you and I have both done some poking at this, right? The structure of the legal services market is such that coming out of the last recession, so many law schools shrunk their class sizes that there are kind of fewer lawyers relative to the demand for legal services right now than there's been in a while generationally. And of course, it's happening just as sort of the baby boomer generation is in the middle of their retirement patterns. And so I think that there are a lot more options for the types of legal services you can provide in the world and there's demand for almost all of it.

Carolyn: Yeah, I think that's right. There really are a lot of opportunities. And you're right, I guess the number of lawyers did taper off for a while. And if you're willing to either, you know, have a remote practice or work in rural areas, I mean, there's still many legal deserts in parts of the country.

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John: Yeah. And even, again, and we're experiencing this a little bit in Oregon with the Commons Law Center. We have a statewide practice and we represent a lot of people in those legal deserts, but we're not physically there. We're representing them over Zoom and over, you know, email and things like that. So there's lots of pockets of demand that it's far easier to tap into than it would have been, you know, 5 or 10 or 15 years ago.

Carolyn: Yeah. No, that makes things much easier also. So the technology is really a savior, saving force.

John: Yeah. Well, let's talk about some other steps. So, I mean, in terms of what people should think about when they're going, and obviously, you know, your book is full of this. And so, you know, one of the steps might be pick up Carolyn's book. And there are other great. I mean, I know here in Oregon, we've got the professional liability fund and they've got a really good resource on sort of checklists and nuts and bolts around starting a practice in Oregon, but I think the advice is largely applicable in other places as well.

Our friends at Lawyerist have a reasonably good book. I think, um, you know, there's lots and lots of places to look. You can even go find Fuenberg still if you want to. But in terms of people thinking about just starting out and it, you know, maybe it feels like a mountain, what are, you know, three to five or eight practical steps that they should really be thinking about?

Carolyn: Well, I think if you're still employed and you fear that your job is ending and it's an option you're thinking about, I think one of the things you want to do while you're still employed to prepare yourself is maybe increase your line of credit or get some more credit cards just in case you need that to hold you over once you start, it's much easier to qualify for those things at favorable interest rates while you're employed rather than when you've just started a practice.

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So, and the other thing to do, I think that is psychologically easier to do while you're employed and you have steady income coming in is taking courses on things that you might need when you start a firm. If you're looking to, you know, expand to estate planning or do immigration cases, you can invest in a boot camp or courses that will teach you kind of the nuts and bolts of doing those cases. And they're much more effective than CLEs. They're usually taught by practitioners who share all of their materials with you. And so it can really help you jump start that practice.

So that's the other thing you would want to do. And I guess the third thing, and this is difficult to do. It's really hard to have conversations with people about starting a firm while you're still employed. That's kind of risky business.

John: Can be, for sure.

Carolyn: You could still start just meeting with people to ask them what they do or to learn more about their work. I mean, that's not something that's off limits. So then you have kind of a warm, uh, contact once you decide to get started. But I would definitely look at those things. Maybe start learning a little bit about marketing or thinking about what you want might want your practice area to focus on or who you might want your target client to be. So if you have to get started quickly, you can focus on the target client.

Like, I guess maybe it was two or three years ago, I consulted with one woman who knew she wanted to start a firm, but she was still working, but she knew she wanted her target clients to be, she wanted to start a neighborhood law firm and focus on the needs of people who were just like her neighbors. So her target client was going to be people like her neighbors, which is an excellent target. And she already had a name for the firm. And so once she started, it took off immediately because she knew her target audience, she'd, you know, lived side by side with them for years. So it was like the perfect, uh, perfect pick.

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John: Mm-hmm. No, I think that's great. So that actually segues into the next question I was going to ask, which is, what if you don't really know what kind of area of law you want to practice? What are some ways to think about that?

Carolyn: That can be tricky. So one of the things you can do, there's a lot of list serves and Facebook groups that you can join where you can meet people who do practice in other areas and see if you can talk to them about it, see if it might be something that you would like. You could take just like a low cost CLE on those areas and see if that's something that appeals to you. You can, you know, try to identify things that you're interested in, things that are your passion, things that you're good at, um, and see like where those things overlap and if there are any practice areas or any legal issues associated with those overlapping areas that you have a passion for that you have an aptitude for and that you have an interest in.

John: Yes, I 100% agree. It's funny. So what one of the things I noticed and it's funny because I just happened to open in the old version of your book, the original version, your preface is it starts out so powerfully and you you've changed it understandably, but you basically says, back when you were in law school, you had dreams. I don't even really need to even go further than that. But it gets to this idea and I think it can be, you know, popping up a level of sort of like, you know, what ails the profession in general is I do think that a lot of people wind up in a place of disconnect between feeling like they're stuck in a mode or a position of practicing that doesn't comport with the values they had when they started this journey of becoming a lawyer. And even if those values evolve over time, which they do and they should, it can be really easy to feel stuck.

And I think one of the things, you know, and again, without just reading the whole preface back to you, part of what I like about your approach is that it's okay to find the things you're passionate about. And I don't want to make it sound too flippant and like, you know, follow your dreams and the

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money will follow or, you know, because that that is not always true. So like we have to be pragmatic about it. But that said, one of my favorite books to at least recommend to people as a concept, if not a full read is Blue Ocean Strategies, which is, you know, probably 10 or some years old now too, but

Carolyn: I've heard of that actually. I like that book.

John: Yeah. And it's this idea that, you know, again, we think if we were practicing, you know, in in a certain practice area for a big firm that that's the only thing I've experience doing, so I've got to figure out how to do that type of practice. And I wouldn't necessarily recommend if you didn't love that practice in your big firm, you shouldn't go try to replicate the thing that you didn't love just because it's the thing you know.

Carolyn: Right, right. No, that was actually one mistake that I made because I wasn't crazy about doing rate work at least when I worked at the firm where I was working. And I when I started my firm, that was one of the things I chose to go into. Now, fortunately, I wasn't able to find any clients in there for a long time, so that spared me, but and now I do some rate cases, but it's from a completely different perspective. It's I'm on the consumer side instead of the utility side, which makes it more interesting. But but yeah, I would have been miserable. Then the worst part is is when you're working for yourself, if you're doing work you don't like, it becomes intolerable because you have to force yourself to do it, you know? Even for work you like, you may have to force yourself, but if you don't like it, it's just double barrier.

John: Right. Yeah, I was going to say at the big firm, you might work for a partner who doesn't like it either, but they can schlep it off onto you.

Carolyn: Right, right. Well, delegating is always a good thing.

John: Well, so then as far as choosing practice areas and, you know, one of the things I often recommend and because I think one of the big fears is

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where am I going to find work, right? Where am I going to find, how am I going to make money? Where am I going to find clients? I'm still very much of the mindset that as much as there's great developments in websites and SEO and, you know, all these various marketing channels that the best first place is still relationship marketing of some form and reaching out to members of the community that you hope to serve in terms of just, you again, number one, figuring out what the needs are because I think sometimes we have perceptions about what those needs are that are different from what the market itself is going to tell us.

And so just going out and trying to, you know, invite people to coffee, invite people to lunch, ask them, what do you currently use? What do you like about it? What do you not like? What's missing? What do you wish were true? Things like that can be really helpful in terms of understanding, you know, practice areas and marketing strategies and all the rest. What else do you recommend?

Carolyn: So I do agree with that. I've always been very tech forward. So like when social media came on the scene, I was a big advocate of social media. People see me blogging. I'd send out these newsletters. But the dirty little secret is is that still to this day, I would say that 85% of my cases come directly from a referral. Sometimes it's a secret referral because it's like a gas company on the other side that passes my name along but doesn't want to be known for passing it on. So I can't thank them for the referral. But it's I I would say it's like 85% in that category.

And then the 15% is just very extensive educational materials that I have online for people to use in their cases. So, and that's something that people find very valuable. I think lawyers are sometimes afraid of giving away too much information on their website, but, you know, the fact of the matter is is that if people are determined to represent themselves, they're going to do it whether the free material is out there or not. And if they really want to hire

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an attorney, having that material out there is going to make you their choice.

So educational materials are very useful, but I do agree with you that the personal relationships, and they can come from different places.

Sometimes just even posting on a personal Facebook page or a personal, um, Tik Tok account or Twitter account, it doesn't have to necessarily be to a group of lawyers because people, you know, your friends still have jobs, your friends still know people and your friends know people who have legal issues that might make their way back to you.

So, you don't want to forget about people who you know personally, but yeah, no, just and the more people you can get in touch with, it's like the more lottery tickets you have, you know, it increases your odds of something coming through. So just it's really a numbers game in some respects and just the more people you can get in front of, the more opportunities there are for cases to come your way.

John: Yeah. Well, and I think I I want to hit the problem, like the education piece because I think it ties back to something you said sort of at the top of the show, which is at the end of the day, we solve problems for people. And if you solve a small problem for someone, they're really likely to come back to you to solve a bigger problem. And so if you can use, you know, in terms of, and I'm a big fan of of content marketing also, and I mean this podcast is a form of that. But helping people and showing that you're someone that understands maybe the types of issues that they run into and you've given it some thought, you've got some expertise.

I think the risk of someone saying, oh yeah, I'm going to take this information you gave me on your blog or in your podcast and just run with it. I mean, and it's funny because even in this podcast, I do get emails or I'll have conversations with people that will say, oh yeah, I followed your work for years and I've really made some great progress on my own, but now I'm

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up against something and I need some help. And it comes out. So it can be a long game and I think it's okay for it to be a long game as long as again, you can generate enough revenue to get your practice up and running in the short term too.

Carolyn: Yeah, no, it is a long game and I guess what are the statistics are you need like seven touches or 14 touches before somebody becomes a client, like a touch where they recognize your name from somewhere, they get a newsletter or something like that. So it's always a long game and, you know, by putting out more content, I guess you can get more regularly, you can at least accelerate the timeline.

John: Right. The other thing that I'll throw out though, and I I talk about this. I can't remember if I've talked about it on the podcast or not before, but sometimes the problems you solve aren't immediately the problems of your client. And so the place where that always manifests the most for me is in estate planning practices, because my experience is that most estate planning attorneys get most of their work from referrals from financial planners. And the problem you're solving and accepting that referral is that the financial planner has part of their plan that says make sure the estate plan is in order, but they're not allowed to do that work.

And so you're actually solving a problem of your referral source. And that that's the most extreme example, but I actually think that's true for a lot of practice areas. It's like there are there are people who tend to get questions, right? They tend to be the helpers in the world and it could be, again, financial planners, it could be clergy, it could be, um, mental health professionals. Again, depending on what area you hope to practice in, but reaching out and educating, right?

If you want to do family law, for example, finding some of the counselors and creating educational materials for them that says, you know, here's what you need to know about the family law process in Oregon or whatever

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it happens to be. If you're empowering them a little bit, then when they get their clients that need more help than they're comfortable with, you're going to be the person that they think of.

Carolyn: Yeah, no, that's a really good suggestion is providing materials to the people who may be your referral sources. So I know that lawyers who do like property damage claims will often market to adjusters or help adjusters come up with ways to increase the value of the damages in a case. I know in my own case, I often get referrals from people who there's a lot of consultants or even engineers who are able to draft power supply contracts or do basic regulatory work, but if there's a need for a complaint or an appeal of an agency decision, they need to have an attorney. So I try to aim materials towards them too. But yeah, that's often overlooked market too is kind of those secondary or those intermediary or those referral sources.

John: Yeah, right. I mean and almost any professional services business, it doesn't have to be law, is in the business of helping people. And they all have limits on the amount of help they can give and there's all there's always demand for more help than they're either empowered or qualified or willing to give them. And so giving them the ability to refer to you is actually doing them a favor.

Carolyn: Yeah, no, absolutely.

John: What else should folks know? And again, we're kind of painting a little bit of a broad brush and I I want to be conscious, you know, it's interesting because I think the core audience of my podcast is people that already have small law firms, right? And sometimes they are employing people, etc. And this is a little bit of an out of the norm episode and again, I kind of wanted to put it out there.

Hopefully in a way that folks who are not already in that space will find it and feel empowered and, you know, hopefully develop a thriving practice

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so that in a couple of years they want to call me and work on workflow operations or process improvement and things like that. But, you know, for those folks just dipping their toe in the model in in the water either mentally or out of necessity, what else should they know?

Carolyn: I think they should realize that they know more than they think they know. I think lawyers, the whole legal education process really focuses on getting knowledge from above and even though the Socratic method is supposed to show you that you have the answers in you and tries to pull it out of you. It does in such a regimented way that the questioner is still keeping control and so you still don't really feel very empowered.

So I think it's important to be confident and understand that you know things and you can do things and not to be intimidated by people who say, well, you shouldn't start a firm until you have like 10 years of experience or you should have more experience before you start because in times like these, you may not have an opportunity to get experience. You may lose your job or feel like you have to leave your job before you have a chance to do that. So that's one thing to know.

The second thing to know is, you know, not everybody is going to support you. There's a lot of people who are really going to support you and those are the ones you want to gravitate towards. There's always going to be the naysayers. There's always going to be people who ridicule you or who ask you stupid questions like, you really think you're going to make money or uh, oh that's a crazy idea or, you know, oh, you couldn't find a job. I guess you got to hang out a shingle. It's like I guess somebody once said to me something like, oh, it's good thing you have a husband to support you. It's like it's just these things that come out of people's mouths and you just have to develop a thick skin because...

John: Yeah, most of the time those comments come from a place of sort of a lack of imagination.

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Carolyn: Yeah. That's true.

John: Occasionally they might come out of pure malice, right? Maybe they don't want the competition. I don't know.

Carolyn: Yeah, I don't know. I've stopped trying to figure out people's motives and just say this is like white noise and it's to be ignored. Don't go near people like that because they're just going to bring you down. So, and the other thing to realize is, you know, when you work for yourself, that's one thing you do have freedom. When you're at a firm or you're working for somebody else, like if you're assigned to do something, you have to do it. But if you're in your practice and there are things you don't like, and you reach a certain point, you can outsource it.

You can hire a temporary attorney to do the work. You can hire a virtual assistant to do admin work. And these costs are, I mean, this is this is a huge innovation of the past 15 or 20 years being able to access a remote labor force at very affordable prices. And so there's always so many solutions. If you are working on something, you know, if you're dealing with an attorney, you don't like dealing with on a case, you know, bring in a contract attorney to deal with the attorney and just you can bypass that or if there's a practice area you don't like, stop taking those cases. If there's a client who's a pain, fire the client. You have a lot more control over your situation than you realize or that you have when you're employed. And I think people forget that. So that's something to keep in mind too.

John: Well, and you say there's kind of two flip sides to that thing. One is that getting into those networks to be able to be a contract attorney is a great way to bring in short-term revenue, build your cash flow, you know, make sure that you are working in a way that is financially stable while you build towards the more ideal sort of cases that you want to have, the clients that are going to be truly yours, things like that. And I think you're right. I mean, the number of platforms, right? There's the big national platforms

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that are relatively easy to find. I know, again, here in Oregon, the Oregon Women's Lawyers Association or group has a really great list serve that is all about job referrals internally. I'm sure other places in other jurisdictions have similar things.

Carolyn: Right. Yeah. You know, I mean, there's a lot of remote work that's available, but there's still, you know, courts are back in session and sometimes people just need appearance attorneys. And so if you cultivate relationships with people in person or to defend a deposition or, you know, things like that, it is a good source of short-term revenue.

John: Yeah, absolutely. Well, and it's it's interesting. I was speaking earlier before we came on with a woman Danielle Henden who she has one of the sort of outside CFO practices. She's an accountant, but she works with a lot of law practices and one of the things she said is, and I a lot of my clients feel the same way is they're desperate to find talent. Like they're just looking and, you know, that's a little different from necessarily starting your own practice, but another alternative is to go find the smaller practitioners who are just looking for help. Almost every lawyer I know has more demand than they have capacity to serve.

Carolyn: Mm. Yeah, and that's a great way to, you know, to get short-term work is to just offer to help out.

John: Absolutely. I do want to talk about the other flip side of the freedom, which, and I think this is something that some people maybe do struggle with at times when they're making that switch into working for themselves is that you do lack sometimes the structure, right? And especially depending on what your career history has been, if you've come up through law school, if you've come up through somebody else's law practice, a lot of that structure has been provided for you. What tips do you have to help people sort of figure out how to structure their day or structure their week

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so that they're hitting the marks more or less at the time they need to be hitting them.

Carolyn: Yeah, so I know this is kind of counterintuitive, but I think the first thing is to have a busy schedule. I found, you know, when I started my firm, I didn't have children and I had just gotten married and now my children are gone and I have all the time in the world and I guess the work expands to take up the time. So if you can stay busy and have things on your schedule to kind of that helps to reign things in. And the next thing is just, you know, setting schedules like you were saying time boxing or scheduling blocks of time.

Some lawyers, you know, only take calls on Fridays or they try to confine their court dates to certain days of the week. I mean, start developing structures for yourself or patterns for yourself so that you have uninterrupted time. And I guess the one most important thing is to really try to be disciplined about responding to emails and phone calls, just picking up the phone anytime or answering an email randomly anytime. It takes like 15 or 20 minutes to get back on task with what you're doing.

So you really want to confine those things to certain times of day and, you know, you can let people know you've probably seen people who have auto responders in their email that say I respond to emails at, you know, 10 and 4. So it manages expectations, but you can't just like randomly be doing everything because then you feel really busy, but you're not getting anything done.

John: Yeah, you know, it's funny. That's it's one of those things where, you know, I guess I will start by saying that the personal injury or the plaintiff law practices are an important part of the small firm ecosystem. But I think that sometimes the conventional wisdom of law practice marketing, law practice kind of operations are often skewed towards the needs of personal injury attorneys. And one of the things about PI work is that there tends to

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be more demand, right? It's actually one of the higher competition practice areas. And therefore, there's a lot of advice in the sort of lawyer culture around, well, you have to return client phone calls right away or if you don't pick up the phone, you're not going to get that new client. And that can be very true in certain practice areas, but it is not universally true across all practice areas.

Carolyn: Right. Yeah, I would agree with that. And I guess PI firms, I mean, they manage that too. They will have, you know, they don't necessarily have attorneys answering the phone or I guess like larger PI firms have intake specialists who are attorneys, so they might be an attorney, but it's somebody whose job is basically dedicated to doing intake with clients. So, we have different ways of solving for that.

John: Right. But I think broadly, I guess one of my cautions would be, because I think that's true on the, you know, the answering responsiveness. And I one of the riffs that I go on sometimes is responsiveness is the death of productivity, right? If all you are is responsive, then you will never actually get anything done.

But the other is that there's a lot in sort of the zeitgeist around lawyer marketing that is kind of built around the needs of these higher demand, higher competition practice areas. And I mentioned Blue Ocean Strategies once already, but if you are finding a practice area that is lower competition or where you really have expertise either because your legal expertise, your subject matter expertise, or because you have a particular connection to the clients, right?

And you're kind of a member of, you know, Seth Godin's got that book about tribes, right? And people tend to like to hire people that are in their, you know, in their tribe, have have similar characteristics to them. You don't necessarily have to be part of the hardcore hustle that so many lawyers feel like they need to get caught up in when they're new to practice.

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Carolyn: Right. No. And sometimes it's really as simple as just carving a piece off a practice area. I know that in the DC area, there are some women personal injury attorneys or there's one woman personal injury attorney who focuses on personal injury cases involving women. There's firms that focus on bicycle accidents, and I guess that's becoming saturated too. Somebody who focuses on accidents with pedestrians. So or you can just focus on, you know, just brand yourself with the name of your particular community.

So there are ways to take a big practice area and narrow it down. The same with family law. There are so many different iterations. People do represent single moms or dads or same sex couples. So there's just a lot of ways that you can niche down. And it makes sense because, you know, it narrows the audience that you're speaking to. It reduces your marketing costs because you're not talking to everybody. And in doing that, you're really talking to nobody because, you know, the stuff you're saying is just too general. So.

John: Yeah, I that's probably one of the most counter and maybe one of the hardest things for people to sort of wrap their heads around, but niches make riches is absolutely one of the truest things. And, you know, certainly from a marketing standpoint as you said, I love it from an operations standpoint. One of my favorite things to do is talk lawyers out of multiple practice areas, right? Because it almost always is true that from an operational efficiency standpoint, multiple practice areas create variation and randomness differences, etc. that make it harder and harder to deliver a high quality work product in an efficient way.

Carolyn: Yeah, no, I would agree with that. I mean, I guess sometimes if there's a synergy between the practice areas, maybe that helps make up for it, but they're just like two random things tossed together. It's uh, you can see how that could be problematic.

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John: Yeah. Well, and even things, one of the examples I give is if someone does both estate planning and estate administration, I will always question whether they should be doing both. And even though, right, it's it is the same area of law, the needs of the client are very different and the processes for delivering against those needs are also very different. Right? Now, there's a reason to do it and partly because the estate planning practice sort of turns into the annuity later on on the administration side, if that's what you want to do building from scratch. But I've also had plenty of attorneys I know that have decided to say, hey, I'm just going to focus on the planning side and I'm going to refer out the probate and administration and vice versa and they wind up in a very symbiotic relationship with other attorneys.

Carolyn: Yeah, that sounds like a good solution if you have a referral partner like that.

John: Yeah. Well, great. Well, you know, the one last thing that I want to hit on and again, this is maybe a little bit more for my typical audience, assuming they've hung on for this whole conversation. One of the fears I run into a lot with some of my law firm owner clients is I don't want to like expose too much of my special sauce, my secret recipe to my team members because I'm worried that they'll just take my expertise and go compete with me.

And it's one of those catch 22s, you know, there's the old joke about the two executives and, you know, the CFO says to the CEO, I'd like, I can't believe how much money and time and effort we're spending training all these people. What if we get them really good and they leave? And then the other executive says to them back, it's like, yeah, but what if we don't train them and they stay?

What advice would you have for law firm owners given that there's never been a better time to go start your own practice, that the tools and the

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networks and the everything else are so good? What should law firm owners who employ other lawyers or other legal professionals be thinking about, right? And they're not solo by definition at that point anymore, but retaining those people and making sure that they're not susceptible to sort of having them jump out with all the things we know and become a competitor unexpectedly.

Carolyn: Yeah. I mean, I know some firms that hire people who, you know, are knowingly, uh, risk averse or who are the types of people who have an employee mentality. So you could always focus on hiring those people. Um, you can make the environment one where it gives people more of an incentive to stay on either through pay or through benefits.

But I think ultimately, if you have good relationships with your clients, it makes it difficult for them to leave to follow somebody else if they leave your practice. And I think that's just a risk you have to take. If somebody is able to leave, take your clients and compete with you successfully, you probably may have been asleep at the wheel a little bit. So.

John: That's pretty much my take too. Yeah. I mean, I think, you know, in addition to paying benefits, I think culture is important.

Carolyn: Yes, yes.

John: And making sure that that that all works. And then, you know, the other thing that I see is that there are plenty of small firms who see themselves as the kind of place that is happy to train up new lawyers and will celebrate when they sort of, you know, fly with their own wings and they know that they've got the right systems and tool sets and things in place that they can bring in the next new lawyer and train them up too. So.

Carolyn: Yeah. No, that's most of the people who work for me. I mean, they don't take the business when they go, but I usually give people very good experience and then they wind up working for big firms, for the government

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or public interest groups. And it benefits me because then I have contacts at all these different places. So...

John: Absolutely.

Carolyn: Definitely a benefit to that too.

John: For sure. Carolyn, thanks so much for coming on and sharing your expertise. What if anyone, we've talked about your book and your blog already, but what's the best way to sort of connect with you and the all the good resources you put out into the world?

Carolyn: So you can either connect with me through LinkedIn, or you can email me at elefant@myshingle.com, or just visit the My Shingle page and you can find me there too.

John: Great. Okay. Well, thanks again and we'll talk again soon, I'm sure.

Carolyn: Sounds good.