

# “Geronimo!”—Or How I Became a Sole Practitioner

by Kathleen B. Havener

Two years ago, I began to realize that I was ready for a career change. I made my decision and ventured out on my own before the economy turned dreadful. Now thousands of attorneys have been laid off from their jobs, and many of them are becoming solo practitioners out of necessity. Whether you choose to go solo, or your circumstances require it, the transition takes courage and self-confidence. If these feelings are sometimes elusive, I have one word for your moments of doubt: Geronimo!

While I was growing up on the shores of Pensacola Bay on the northwest coast of Florida, any feat of derring-do was inevitably accompanied by a shout of “Geronimo!” at the top of the lungs. My eight adventurous and noisy siblings and I shouted it whenever we performed cannonballs off our wooden dock into the deep waters of the bay, or tumbled from the pinnacle of a sand dune at the beach, or leaped from a tree onto a rope swing, or dove from the high tower into the chilly waters of Wakulla Springs. Who knew why? We meant no disrespect. As children, we were told we had Cherokee in our blood.

I knew that the real Geronimo, the famed Apache warrior, was imprisoned for a while at Fort Pickens on Santa Rosa Island, then a state park across the bay from our house. Did this historical fact have something to do with our yells? I certainly never asked. To me, “Geronimo!” had no special meaning—it was just what you hollered whenever you did something brave and seemingly dangerous.

As an adult—well into the Internet age—I thought about our old cry of victory over fear and wondered where it had originated. I “googled” the words “Geronimo” and “jump” and came up with an explanation. Retired First Sergeant Ed Howard wrote an essay attributing the tradition of yelling “Geronimo!” when jumping out of a plane to Aubrey Eberhardt, a

fellow member of the U.S. Army’s parachute “test platoon” that was in training for parachute troop drops at Fort Benning, Georgia, during 1940. During the training, the officers decided to try a mass jump with the parachutists exiting the plane in quick succession. The enlisted men were unnerved.

Perhaps to relieve their tension and certainly to escape the stifling heat of the Georgia night, a group of the men went to the local (air-conditioned) movie theater to see a Western the night before the jump. The movie was *Geronimo* (1939) with Andy Devine and Gene Lockhart. After the movie, the new parachutists went out for a few beers. After a couple of hours, some of them were feeling rather brave. During the stroll back to camp, Private Eberhardt said that he expected the next day’s jump to be no different than any other routine jump. His friends immediately began to mock and jostle their comrade, predicting that he’d be so scared he’d barely remember his own name. This annoyed the six-foot-eight Eberhardt, who was known for his confidence and powers of concentration. According to Gerard M. Devlin, author of *Paratrooper!* (1979), Eberhardt declared, “All right, dammit! I tell you jokers what I’m gonna do! To prove to you that I’m not scared out of my wits when I jump, I’m gonna yell ‘Geronimo’ loud as hell when I go out that door tomorrow!”

The next morning, half the platoon strapped on their parachutes and boarded planes while the other half sat by the edge of the jump field to watch. By that time, everyone had heard about Eberhardt’s pledge. The lead plane flew over the field, and the men spilled out one by one as planned. As their parachutes opened, the men on the ground could clearly hear the shout of “Geronimo!” followed by an “Indian war whoop” from Eberhardt. He had made good on his promise, and the unofficial battle cry of U.S. airborne troops was born.

Seven decades later, Eberhardt’s yell is echoing still.

When I began thinking about going solo, I had practiced in large-firm environments for almost all of my 17 years at the

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bar. I had grown weary of the typical law firm expectations of business generation and ever-rising billable-hour requirements. Indeed, I had genuinely grown to hate the billable hour as the measure of our work and, worse, as the measure of our compensation. More than that, I didn't want to have to ask permission to enter into alternative billing arrangements or to jump through bureaucratic hoops to take on a particular matter (especially pro bono) or to take my vacation at a particular time. I loved working in collaboration (and still do), but I hated not feeling free to do things my own way even when I was the lead attorney. I was already over 50 years old—why wasn't I living my life and spending my career in a way that made me both proud and happy?

Like everyone, I think, it occasionally crossed my mind that I could do what I wanted if I simply left the large firm. But, as I have yet to win the lottery and am not independently wealthy, whenever I thought of going out on my own, I would catch my breath, feel a tightening in my gut, and know that I was too afraid to take the risk. Though my time with the firm had not been all smooth sailing, I was fond of my partners and very proud of the work we did. And I relied on my paycheck. What if clients were slow to pay? What if—even worse—clients didn't agree with me that I could do the same or a better job for them on my own? Could I keep up with the bills if there was no paycheck at the end of each month? Every time I pondered venturing out on my own, I remembered my childhood escapades and thought, "I can't do this unless and until I'm ready to yell 'Geronimo!'"

Besides, I wondered, would I enjoy it? I like working on teams, and I firmly believe that a good team can often produce a better work product than one writer. I also have a very deep commitment to diversity, and I wondered whether I would be doing a disservice to the younger women I worked with if I left the firm. And would I miss the camaraderie? The opportunity to bounce my ideas off other lawyers? Would I yearn for the conveniences of a staff, having people to help me get an overnight package out or make a couple of copies or put together the exhibits of a brief? Was I just too spoiled? Did I even have the temperament to work alone?

I also performed a pretty thorough and absolutely honest self-assessment. By the time I finished, I knew that my strengths were in five very specific areas. First, I am a "fact junkie." I have the ability, which is also a curse, to memorize facts and where to locate them by exhibit and Bates number—even down to the area of the page on which the answer to a question can be found—which also gives me the ability to refute others' misstatements with the same accuracy and, therefore, to anticipate and prepare for opposing arguments with confidence and specificity. Second, I have what I hope is a unique ability to lead and manage people by acknowledging their strengths that are superior to mine and by insisting that I have a different role, not a superior or subordinate one, in any matter. Third, I believe I have a gift of choosing and deploying the best resources to meet specific obstacles in a specific circumstance—qualities that allow me to put together and manage great teams. Fourth, I almost always can locate a specific piece of language and its source (like "which brief made that claim?") more quickly than my colleagues. Fifth, I am committed to my clients with a fierce devotion that compares only to the ferocity of my devotion to my children. All of my strengths seemed ideally suited to working on large and complex matters, which I knew didn't ordinarily go to small firms or solos.

But an examination of conscience demands that you face your weaknesses as well. I owned up to mine: I don't accept criticism gracefully, although I do take it to heart; indeed, I probably take criticism *too much* to heart—I take personally things that are not meant to have an impact on me personally; often I become so absorbed in what I am doing that I fail to recognize other people and thus sometimes unintentionally offend them; and, okay, I admit it, sometimes I really think my position is right and I can be pretty arrogant about saying so. My weaknesses seemed to be ones that would allow me to produce better or equal-quality work and be a happier person if I went out on my own. Could I make the move?

While I was taking my emotional temperature, I began interviewing with other firms not so different from my own. Hey, maybe all I needed was a fresh start. After meeting with probably eight or 10 firms, however, it was clear to me that nothing would change all that much as long as I stayed in a medium-to large-firm environment. It was even more evident that I wouldn't be hired unless I could promise to bring a certain amount of business with me. I wasn't comfortable promising how my clients might react to my leaving. Had they hired the firm or had they hired me? Were there enough of them? When one case ended, would they ask for my help again? What if they had no later litigation in my jurisdiction? And, of course, asking my clients was impermissible.

On the other hand, the question kept popping up, if I *do* have enough business to satisfy the demands of a new firm, why not make the business my own? In the meantime, I was extremely busy on a big case for my firm. I started saving a bit more so my husband and I would have a small cushion "just in case." I began asking colleagues who had left my firm and others how they felt about their decisions. I talked to friends and colleagues in the ABA Section of Litigation with solo practices or small firms, and to those in larger firms who might be sources of referrals. I asked former clients who had become friends whether they might send me work if I was on my own and not in a firm.

To a person, everyone with whom I shared my hopes and fears about going out on my own encouraged me to "just do it." My advisors had a lot more confidence in me than I did. Referrers, in particular, expressed an enthusiasm that was most surprising—people seemed to feel more comfortable with the idea of sending work to me knowing that I would do it, as opposed to sending it to my firm without being sure that I would end up being the person who oversaw their case. Many friends in other places told me that this would prove to be especially true in cases where they might need to engage local counsel.

As I spoke with friends and colleagues who had ventured out on their own, whether very recently or at some time in the past, I asked about "process"—how had they actually accomplished their separations from their firms? What steps should I be taking in advance? Would they share with me their experiences, their expenses, their exposures, their exit strategies? Might they let me in on their successes and stumbles? Their fears and frustrations? What I really wanted and needed was for people who had made the transition just to tell me their stories and let me take notes and ask questions.

Some might buy a book to guide them through a transition to a solo practice, and the ABA has a number of good choices. But, after about a dozen consultations, including follow-up calls and lunches with friends and colleagues who were—without exception—more than generous with their time and

experience, I had devised a checklist to address the decisions ahead of me if I decided to go it alone:

- Business registration/form of entity
- Malpractice coverage
- Health insurance coverage
- Life insurance
- Disability coverage
- Office space
- Commercial general liability coverage
- Office assistance
- Workers' compensation
- Telephone/BlackBerry
- Necessary equipment
- Computer advice/assistance
- Law office management software
- Banking
- Accounting
- Transfer of retirement funds
- Electronic legal research
- Martindale or equivalent
- Website
- Office supplies
- Business cards/stationery
- Notices of change of affiliation
- Announcements to colleagues
- Negotiating the departure

The decision about choice of entity came first for me, because so many others would flow from it and because it would determine how, as a firm, I would enter into contracts. My husband of 11 years has been a transactional lawyer (with an emphasis on tax) for over 20 years. He kindly educated me about the types of entities and why I might choose one vehicle over another. I don't think I was nearly as patient a pupil as he was a teacher, and, in the end, I simply asked him for his recommendation, especially because whatever I chose would have nearly as much impact on him (as my fellow breadwinner) as it would on me. He made a recommendation, and when I made the decision to start my firm, I followed it. Because he knows the ins and outs of following the corporate niceties, he has been an almost-daily consultant and advisor, and I could not have made any of the moves I made (and certainly not correctly and in order) without his guidance.

Each of my other "consults" shared information about their malpractice coverage carriers and their levels of coverage. Some were new in solo practice and had less sophisticated work than I anticipated; others were a couple of years into their new ventures and had experienced some growth. Eventually, I got the name of one partnership's agent and telephoned him for coverage alternatives and costs. After obtaining a quote (mine was \$1,750, but everything depends on what your policy covers and where you are located) just so that I would know what I needed, I learned—to my surprise—that once I actually filled out an application and paid the premium, it would take me less than a week to obtain the coverage I had decided I would want—and at that point everything was still in the "if" stage. That single piece of information—the speed with which I could obtain the coverage I wanted—gave me great comfort while my decision-making process continued. Knowing I would not have to endure a slow and painful separation period somehow made a new solo venture easier to contemplate. Even though I would be excited to branch out, I anticipated that the transition

would not be without some sense of loss. Of course, it wasn't.

Next I looked at health insurance. I investigated possible coverage through the ABA and my state bar association. I obtained quotes based on my age and gender, which turned out to be estimates only. All of mine were very close to \$350 a month, and all the estimates increased to over \$500 a month after I provided my medical history. (I'm good and healthy now but had some ups and downs in my younger days, so the increase wasn't unreasonable and my coverage is very good.) Before you choose your health insurance, you will need to choose the level of your deductible—a decision that will depend on your current health condition, the state of your finances, and your level of confidence in your success. My health insurance coverage took approximately three weeks when I ultimately applied, but as my health insurance with the firm was by the month and was paid in advance, I was covered by my prior insurance until my personal health insurance took effect.

My former firm provided \$250,000 of group term life insurance while I was a partner. I had separate coverage of my own but was concerned that it was insufficient, even before I had decided to leave. I sought out a friend who is a financial advisor, who had provided terrific guidance to me on how to distribute the investments in my 401(k) and other retirement accounts. As it turned out, he was also authorized to sell life insurance policies as part of the services his firm renders. I applied for and finally obtained (after a lot of interviews, checkups, and blood tests), a \$1 million term life policy that I can extend—if necessary—when I am 73 years old. That policy was in place six months before I left the firm, but life insurance is certainly a step one must address in making a decision to go solo.

One factor often overlooked by attorneys going out on their own is long-term disability insurance. Disability insurance is available through the ABA and probably through your state and local bar associations. Long-term disability coverage is priced on a sliding scale based on your present income, your age, the amount of coverage you are seeking, your health history, and the length of the waiting period you are willing to accept. Because the premium on long-term disability coverage is locked in when you purchase it, it may be worth it to accept a longer waiting period and then obtain a short- or medium-term disability policy to cover the gap. Though higher in price, the cost of the short- or medium-term policy may be less than paying a higher premium for the foreseeable future by choosing to have long-term coverage take effect sooner. As in most decisions discussed in this article, you have to decide what level of risk you are comfortable with and then simply do the math.

One word of warning—I would advise you to apply for disability coverage before you leave your firm. If you don't, you have no predictable "salary" on which to base the level of coverage an insurer can underwrite. While you're still earning a paycheck, that calculation is simple and you can obtain the coverage you need at a price you can live with. If you wait until you're out on your own, insurance companies want two years of salary history before they are willing to write a policy at the level you may be looking for. On a side note: This "rule" applies to banks as well. If you expect to be buying a home or car, or seeking refinancing in the near future, do it *before* you take the plunge into solo waters. Otherwise, you'll have to wait two years to have sufficient salary history to satisfy the bank and its underwriters.

I knew from the beginning that—if I chose to go solo—I would work out of my house rather than lease or buy an office.

We had recently finished an addition that included a new master suite. I had our former master suite to convert into a sizeable office, with a walk-in closet that could be transformed into a file and supply room. It was easily sufficient space, and it saved a lot of time and money. No commute meant no gas, no parking, and no time spent in the car or (worse) in traffic. And no rent, of course, saved a significant amount of money. Doubters have asked whether I tried to “hide” the fact that I worked from home. Absolutely not! At the time—the spring of 2008—gas prices were just beginning to rise to their ridiculous high. I was not only saving money, I was reducing my personal carbon footprint. I felt downright patriotic!

I have several friends and colleagues who have entered agreements to share space, splitting the costs and benefits of an assistant and office equipment, both hefty allocations if you decide to go it alone. Others with more capital to invest might want to hang out their actual “shingle” and buy or lease office space and the necessary equipment.

Whether you work from home or lease an office, you will need to investigate commercial general liability (CGL) insurance. It may be that the coverage on your home is sufficient to cover visiting clients as “business invitees,” but you definitely need to check. If you decide to share space, make sure you understand the details of the CGL policy covering the office and whether your rent covers it or you have to “chip in.” If you rent or buy an office on your own, you will almost certainly require CGL coverage on the premises. The same agent who issues your malpractice coverage can steer you to an appropriate insurance company.

The decision to hire an assistant, in my view, was simple. I couldn't do it unless I could prove to myself that I could afford a staff, even a staff of one. Moreover, it would be oppressive to me to have an assistant working with me when my office is in my home. Thus, I keep my own files and do my own typing. I don't bill my clients for the time spent on tasks that would otherwise be done by an assistant, but these are largely ministerial and not time-consuming. The burdens of having a staff—withholding taxes, what benefits to offer, the absence of privacy, and others—far outweighed the benefits for me. I admit that I miss having someone to arrange my travel, and my office would be more organized if I had an assistant. But for me, a staff will have to come later.

Obviously, whether or not you actually *need* an assistant is determined in part by your ability to manage for yourself and your technological prowess. For my part, when I need large jobs done that would be either too time-consuming or overly taxing to the equipment I own, I head for the nearest copy shop and outsource the task. And if you do engage an assistant or an associate, don't forget to enroll in the workers' compensation in your state.

As for telephone service, when I first decided to go out on my own, I decided not to have a land line installed especially for my business. We already had our home phone and a dedicated fax line. I figured that my cell phone and my BlackBerry together would allow me to take the office with me wherever I went. I have since decided I was wrong, and as I write these words, a telephone company lineman is installing a land line in my office. What made me change my mind? Well, while I am easily located on the web and through Martindale-Hubbell, it dawned on me that limiting my practice to my cell phone meant that I couldn't be located via directory assistance and I wasn't listed in the phone book. It also meant that I could never

be truly “off,” because clients know that I carry my cell phone everywhere. That will still be true, but I can turn it off now and people who are trying to reach me for personal conversations or personal business can do so using my home phone number while those calling for my office can leave messages on the office voice mail.

I purchased a BlackBerry a day or two after I left the firm. Some other solo practitioners have told me that they get along fine without one, but I had become so spoiled by having a BlackBerry with me whenever I traveled that I simply didn't want to be without one. Mine is set constantly to “vibrate,” so it doesn't disturb meetings or other events. I also have it set to turn off automatically at midnight and turn on again at 7 a.m. so that it does not interfere with my need to have at least *some* down time. Because a number of my clients are either located abroad or travel overseas a significant amount, leaving it on outside of business hours (albeit not *all* the time) is essential. The costs for your telephone and BlackBerry services will vary, but even with the land line, the cell phone, and the BlackBerry, my phone costs don't exceed \$300 a month. I also got a wireless Internet device, so I can work absolutely anywhere, while in the car, on a beach, in my yard, and on the train.

Regarding the few real “furnishings” you might need, mine were hand-me-downs from elsewhere in my home, except a few things I purchased, including—instead of file cabinets—rolling file boxes the size of banker's boxes. So far, these have been more than adequate. If you rent space, the office may come with desks and files. If not, there are fine secondhand office furnishing outlets that allow you to furnish your office at far less than the price of new furnishings.

Electronic office equipment, especially high-volume printers with a collating function, scanners, fax machines, and the like, are extraordinarily expensive. But for someone who is computer-savvy, a great deal can be accomplished with no more than your computer and a high-end “all-in-one” printer, scanner, and fax machine. I can scan most documents that need to be forwarded to clients or opposing counsel and send them by e-mail in PDF format. Faxes are occasional in my practice, but I believe the need is there, especially when documents become too large to send as attachments. Obviously, the printer you choose has to have the capacity to print a larger volume than an ordinary home-use printer. For large document productions, again, I turn to a copy shop. With the proper software, the copy shop can scan documents, Bates-number them, print out a Bates-numbered copy for you to keep, and produce disks to be sent to opposing counsel. When a document production is small, you can do the same with no more than a scanner, the proper software, and your computer with a CD writer.

The computer. Yikes! While I am quite capable technically, I didn't want to make a costly mistake. Choosing what I needed on the computer side of things was a bit scary to me. I telephoned a former techno-whiz from my firm to ask his advice. To my delight, I discovered that Nino had started his own small business providing computer consulting and installation services. He talked to me about what I was doing and about how much I expected to spend. Then Nino ordered what I needed, consulted with the technical service department at the vendor of the law office management software I had chosen, came to my house and set up the computer, the server, the wireless network (so I can work anywhere in the house), and all the software (which we had also discussed and selected together). Whenever something happens that I can't solve, Nino comes

quickly to rescue me. In the meantime, Nino set the computer to essentially take care of itself, performing sweeps for suspicious programs or files, disk cleanup, and defragmentation on its own schedule. Even better, he purchased space on the Internet for my data storage, and all my computer and server files are backed up daily. I would never have thought to do all the magic Nino did on my behalf.

My choice of law office management software was based not on the recommendations of colleagues but on several one-hour online sessions with sales representatives from the various vendors. I think the best advice I got about going out on my own was from one of those sales representatives. He advised me not to look at where I was starting but to try to assess where I anticipated I would be in five years. That convinced me to purchase software that, although more expensive and more difficult to learn than other choices, handles my accounting, check ledger, bank accounts, time management, docketing, conflict checks, billing, contacts, and more. It is more than I need right now, but it lowered my malpractice premium; it is amazing in its breadth and scope; and it gives me complete peace of mind that nothing will be overlooked or fall through the cracks of my memory. I have been entirely satisfied with the software I chose. Remember, though, that the software you choose may affect the choice of computer that you buy, so these are decisions that should be made in tandem.

Next, I looked at my banking needs and choices. For this decision, I relied on the advice of friends and colleagues in this area. I asked which bank handled their start-ups and listened to good and bad experiences. In the end, I chose a bank that has a large presence around the country, but is not a household name, and that has a branch about five minutes from my home office. The bank personnel, even at the tiny local branch, were very knowledgeable about trust accounts and business accounts, and part of the bank's service was to handle the IOLTA reporting on my behalf. Other than a glitch in the first check printing, I haven't had a single problem, and with the help of the law office management software I use, my account has never failed to balance.

I consulted an accountant at the outset of my venture. To my surprise, after she saw the performance capability of my law office management software, she said she didn't think I would need any accounting assistance until it was time to prepare the reports for the first fiscal year. As there are no employees, I didn't need to do tax withholding or Social Security and quarterly tax payments (except for myself), so I didn't need to engage an accountant for those purposes either. Thus, as I write this, I haven't yet needed the assistance of an accountant and probably won't until the end of the fiscal year. Obviously, the more equipment you buy, the more employees you have, and the more complicated your arrangement, the more you will likely need to use an accountant from the beginning.

Transferring your retirement funds is a breeze unless, as I did, you have a loan against the retirement account that you cannot immediately repay. I had to obtain a line of credit from the bank for a one-month term, repay the loan, transfer my retirement fund, borrow the money from my *new* retirement account, and then repay the line of credit with the new loan. Without this hitch, the process of transferring the retirement account was taken care of by my friend at an investment house who filled out all the paperwork and brought it to me to sign. My 401(k) and an alternative retirement plan were combined and rolled into a new 401(k), of which—to some extent—I can direct the

investments. This gives me the opportunity to invest in particular companies that I believe in.

I knew that I would need either LexisNexis or Westlaw, in addition to some court rules and other books. Largely, I think, this choice comes down to one's simple preference. Through friends, I obtained the telephone numbers and e-mail addresses of the local representatives that handle small firms. I met with both for an hour or more. There was a very stark contrast between the level of interest each one of them displayed in me personally and that difference factored into my decision to a surprisingly large degree. Even with vendors, it's all about relationships. Remember, too, that large discounts are available if you bundle services. Given that advantage, I purchased the law office management software affiliated with one and my website through an affiliate of the other, so I was able to take advantage of discounts on both services. In addition, one choice offers free or deeply discounted books as part of its incentive. That was another important consideration in my choices. I am entirely happy with my decisions.

One of my friends and advisors told me, "If you're not listed in Martindale, you might as well not exist." Although I believe this is correct, and I did purchase a listing in print and online, there are other alternatives that may suffice if you are strapped for cash in the beginning. One is [www.jdsupra.com](http://www.jdsupra.com), where you can get a basic listing for free and a more substantial one for between \$400 and \$600 per year, still a significant savings when compared with a Martindale listing. JD Supra also allows you to post and search documents. I haven't used this service myself, but I have been told by several solo practitioners that it was their choice when they started out and that they were entirely satisfied with their visibility via this method. [Lawyers.com](http://Lawyers.com) and [findlaw.com](http://findlaw.com) offer similar exposure.

In addition, in this Internet age, I believe a website is essential. Although many online providers allow you to purchase a domain name and maintain your own website, other vendors will set up the domain for you and add, subtract, or alter content at your instruction, usually within the same day that you request it. I chose the latter option, again following the advice "Don't think about where you are today. Think about where you expect to be in five years." I am thrilled that I chose the easy way, despite the extra expense. An e-mail to the website maintenance staff is all I have to do to change content. My articles are on the website as well as a fairly lengthy description of who I am and what I do. I check it every day to see if there is something I think I should add, change, or eliminate.

Office supplies are easy. All-State Legal ([www.aslegal.com](http://www.aslegal.com)) puts out a catalog and maintains a website where you will be reminded of all the things you need and everything you don't. Staples, Office Max, and Office Depot all give discounts for volume purchases to members and will also do printing, copying, and the like. If you want personalized items, there are a number of companies on the web that do printing of all kinds of products, including letterhead and business cards, for amazingly low prices. I did a thorough comparison of prices on different websites and got the highest quality printing for the best price I could find. Beware of typos in your submissions, though—they're on you. That's why I have a thousand business cards I can't use because I mistyped (and didn't check) my fax number on one order. They are now used solely for very short notes in my household.

I also ordered my announcements for my new venture from one of the online printing sites. The announcement consisted of bright

blue postcards, yellow print, and a full-color headshot. They listed only the name of the new firm, phone numbers, the address, and my new e-mail address. I chose postcards not only because they fit my personality better than more formal announcements but also because I could mail them at a lower cost. I hand-addressed every one, which is also more in keeping with my personality than labels, and if I could, I included a short note to the recipient. I sent them to every single person in my contact list—over 1,500 names—and fewer than 15 were returned!

Better yet, at least three well-wishers sent flowers—all stunning bouquets in elegant vases, and each a week apart. One was from a friend in the leadership of the Section of Litigation who had been on the original “just do it” campaign. Julie had gone out on her own several years before and she is more than prospering. Her gift was the most touching because it was accompanied by a note expressing not only her understanding of my fear but also her confidence in my ability to succeed. Another bouquet came from a client who joined me almost immediately after I made the move. A third was from close friends who own a court reporting firm. I hadn’t received such gorgeous flowers in years!

When and if you make a move, don’t forget to send a Notice of Change of Affiliation to every single court of which you are a member. I am admitted in two states, one commonwealth, and the District of Columbia, and to the federal district and circuit courts in each of those locations. I had to send 12 notices, not counting the bar associations I belong to. The notices to bar associations were quickly answered by invitations to rejoin the bar associations as the only member of my new firm. Bar association memberships are not cheap, as we know, although they are worth every penny you may spend. But be sure to include in your initial budget anywhere from \$500 to \$3,000 for those costs, depending on the number of bar associations to which you belong.

Send your new information to the newsletters of each of those organizations. They are likely to include the news of your move in their newsletters—which equals more exposure. In addition, send a press release to your local newspapers, business publications, and magazines. In the past, I had collaborated on several articles for various local and regional publications. I sent my announcements and press releases to the individuals I knew at each publication. Two out of four called me within a few days and asked how they could help. One moved my announcement from the “On the Move” notes to a “Grand Opening” section—thus moving up the publication of my news by more than a month. The second forwarded my news to a sister publication that spread the news to several surrounding counties. Just recently, a third asked to do a “Business Spotlight” on my little venture. You can’t buy this kind of help. Like everything else, it’s all about relationships.

And that is a great way to transition into my last tidbits of wisdom. Don’t give up your relationships with your former partners and colleagues. One of my former partners referred a matter to me on my first day in practice. Others have done the same more than once during my first six months on my own. This can happen only if you leave on good terms. To do that, you must be extraordinarily forthright and open. Never try to hide what you’re thinking about or what you want to do. To do so is to risk losing your partners’ trust. As soon as you’ve made up your mind, tell the head of your practice area and the head of your office. Who knows? They may give you time to transition during which you can maintain your salary and continue to work on the firm’s matters while setting up your new office.

Shortly before you leave, go to the ethics partner and work out how long your voice mail and e-mail will be forwarded to you (in

my case, it was three months). Ask to be kept up to date on appeals or post-trial motions or other pending matters as they move toward resolution. If you’ve been at the firm a long time, you’ll leave good friends behind. Stay in touch and help them from your new position as you would have while you were at the firm. They will return the favor in kind many times over.

And what, in my case, was the tipping point? I had the easiest transition I can imagine. My firm already knew I was weighing my options and would soon be leaving. I was very busy working on a large matter that I was handling almost entirely on my own. On a Thursday night, while I was in Omaha visiting the lawyers and party representative in a related case, our opposing counsel sent a letter suggesting the possible existence of a conflict that—if genuine—would have required the firm’s withdrawal. Neither the client nor the firm wanted to take on the litigation of a motion to disqualify. On the following Monday morning, I asked our ethics counsel whether I was correct in my understanding that—under the applicable rules of professional conduct—the supposed conflict would disappear if I withdrew from the firm and retained the client. My colleague (and good friend) confirmed my analysis. “Great,” I said. “If the client is satisfied with this resolution, would

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## Don’t think about where you are today. Think about where you expect to be in five years.

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you please ask all the appropriate parties at the firm whether it is likewise acceptable to the firm?” Within an hour, we were all on a conference call and reached an agreement that my departure from the firm was a satisfactory alternative and that it would remove any issue of potential conflict from the case.

The next several days were completely frantic, but by Friday, I had become my own firm, with my first three clients on board, with three more to follow on the following Monday. To my utter amazement, on the day I left the office for the last time as a partner, the CFO saw me in the hall and asked me to return with him to his office. After saying good-bye (after 11 years at the firm), he announced, “We made an accounting mistake and over-withheld for your retirement account last year. I have a check for you.” I left his office and crossed the street during a nasty snowstorm to make a deposit. The firm’s accounting error provided me with an unexpected \$10,000, which covered almost every penny of my start-up costs. On the way back to the firm, my initial musings about starting out on my own crossed my mind. Because I was wearing a heavy parka and a hat, no one could have known who I was. I ran up one side and jumped off the other side of a quickly rising snow bank to the street a couple of feet below, yelling at the top of my lungs, “Geronimo!”

The path has not always been easy, but I know to ask for help when I need it. It hasn’t always been smooth because clients—in this difficult time—can’t always pay as quickly as I would prefer or even as quickly as I need. But the money so far has always come through. I have taken on a partner now, and business generation for both of us is hard. Days are long and often grueling. But I conquered my fear, and I haven’t looked back once. If going it alone is what you really want, or if circumstances have thrust it upon you, I say “Go for it.” And I wish you the courage to holler “Geronimo!” □