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This Week's Feature

Why I Like Practicing Solo

By *Lawrence S. Ebner*

During the past eighteen months, I have discovered the many virtues of solo practice. Don't get me wrong: Most private-sector attorneys want to be, and should be, part of a multi-lawyer firm or in-house legal department. In fact, I spent 42 years at what began as small Washington, D.C. firm, and through mergers and acquisitions, morphed into a global mega-firm. But with the benefit of four decades of litigation experience, advocacy skills, and loyal clients, I decided to depart BigLaw in September 2016 and open my own appellate litigation boutique.

I do not intend to be overly critical of what many of today's law firm managers and financial consultants, and the legal media, refer to as the law "industry." BigLaw firms serve their clients well. But the significant ways that practicing law as an independent professional differ from functioning as a cog in the complex machinery of a BigLaw firm are exactly why, at least for me, practicing autonomously as a defense-aligned appellate attorney is so professionally satisfying.

First, I now decide for myself how to spend my professional time. Although I continue to practice full time, I no longer feel pressure to meet, or even set, billable hours or business generation goals. I am judged strictly on the quality, not quantity, of my work. There are no managers with multi-column spreadsheets dissecting my financial performance, or assessing my professional value, based on the fees that I generate or on other statistical "metrics" or "analytics." For matters billed at hourly rates, I even have discretion to record less time than I actually spend on a project. And I don't need anyone's permission, or a traceable or specific business generation justification, for devoting as much nonbillable time as I choose to professional writing and speaking, particularly in conjunction with organizations such as DRI—The Voice of the Defense Bar and the American Academy of Appellate Lawyers. In fact, I greatly enjoy no longer tracking my nonbillable time at all.

Second, I now manage my own professional finances. Ironically, to focus more on the practice of law than the business of law, I decided to open and manage my own law firm business. Solo practice is quite compatible with "hands-on" appellate litigators who, like me, prefer to research and write their own legal briefs. Because the course of appellate litigation is more predictable than trial work, flat-fee arrangements for handling appeals or drafting *amicus curiae* briefs not only are feasible, but often they are preferred by clients. It is professionally liberating to be able to agree on a flat fee and then to devote as much time as I need to reviewing a record and authoring an appellate petition or brief without having to worry about recording (or not recording) every hour that I spend on researching, conceptualizing, drafting, and editing. For hourly matters, I get to set my own rates, and when appropriate, offer discounts, or even do pro bono work, without having to obtain management approval. Nonetheless, I am not oblivious to the economics of my solo practice. In fact, integrated, cloud-based programs such as Clio and QuickBooks make it easy for me to record my time for hourly rate matters, as well as to generate invoices and track fees, expenses, and net income. And as a solo practitioner, it is enormously fulfilling to deposit a client's check into my own bank account.

Third, I now conduct my own strategic planning meetings. You might be surprised how creative, productive, and efficient both short-term and long-range planning can be when they occur, even sporadically, inside a solo practitioner's head—and without the need to travel to lavish partner retreats, endure mind-numbing Power Point presentations, schmooze at cocktail parties, or wordsmith strategic plans that soon will be gathering dust. Contrary to what the term might connote, however, *solo* practice does not have to be lonely. Since launching my firm, and thanks to organizations such as DRI and DRI's Amicus Committee and Appellate Advocacy Committee, I have had more freedom than ever to network and collaborate with dozens of talented appellate attorneys (including other solo practitioners) around the country. In addition, every day I have the opportunity to interact informally with other lawyers, as well as with lobbyists, association executives, and other independent professionals, at our shared suite of offices across the street from the White House complex. Along with staying in touch with clients and former colleagues, my professional life is anything but solitary.

Fourth, I now avoid business conflicts. All lawyers, of course, must comply with the rules of professional conduct, including the rules pertaining to conflicts of interest. Solo practitioners, however, do not have to worry about identifying or resolving internal "business conflicts" with other partners (e.g., where different partners in a law firm seek management and/or client approval to represent different companies within a particular industry, or need or want to advocate differing or even inconsistent positions on behalf of different clients). Internal competition within a solo-practice firm is *truly* internal: I compete only against myself to try to meet and exceed clients'—and my own—expectations.

Fifth, I now am solely responsible for promoting my own practice. Attorneys in large law firms typically rely upon sophisticated in-house marketing departments, which maintain websites, issue news releases, send out invitations to seminars and other events, conduct research on prospective clients, develop collateral for “dog-and-pony-show” pitches, and sometimes advertise. Such marketing professionals tend to promote practice groups as a whole, or to focus on certain individuals, such as major rainmakers or new lateral hires. In contrast, as a Washington, D.C.-based solo practitioner, I am responsible for promoting my own appellate litigation capabilities (as well as my substantive areas of expertise, such as constitutional, federal civil justice, and federal regulatory issues) in a city that undoubtedly has more appellate superstars and high-achieving appellate practice groups (mostly at large firms) than anywhere else. Fortunately, I enjoy being entrepreneurial and relish the challenge. Prior to opening my firm, I engaged a highly regarded brand strategy and design firm that works extensively with the professional services sector. That firm, Greenfield Belser, [advised me](#) on how to announce the launch and enhance the visibility of my solo-practice firm. This included jointly developing an eye-catching and content-rich website—today’s version of “hanging out your own shingle.” My website (capitalappellate.com) contains an Insights section (publications, presentations, firm news, case-related blogs) that I frequently and personally update through the easy-to-use WordPress website program. I also have taught myself to make good use of LinkedIn. Being able to act quickly, and on my own, to share appellate practice-related developments with clients, contacts, and other interested individuals helps to elevate my firm’s profile and thereby level the professional playing field.

I used to have an unjustifiably dim view of solo practitioners. Until a couple of years ago, I never imagined being one. But now I know better. Having the freedom to practice law on my own is not only fulfilling, but also a lot of fun. The work that I do is always intellectually stimulating, and I enjoy networking with hundreds of DRI members and other lawyers around the country, hopefully to help improve the profession and the civil justice system. Solo practice is not for everyone, but there is a lot to be said in its favor.



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