

Bridging the Gap In a Tough Economy

BY ROSALYN R. TIPPETT

Legal publications and websites are replete with stories about massive layoffs at big firms, resulting from the economic downturn. Less reported, but farther-reaching, is the impact that changes in the economic climate have had on sole practitioners and small law firms. Solos and small firms are looking for ways to handle new work without the burden of the long-term financial commitments associated with hiring new attorneys.

One solution for bridging the gap is to hire contract lawyers to fill temporary needs. Small firms can choose from several options, depending on the particular demand: recent law school graduates, legal research and writing lawyers or appellate counsel, temporary workers, legal services companies, off-shore legal research companies, and other independent or sole practitioners looking for extra work.

Of course, with the varying options come varying price tags. Law students, recent graduates, and temporary workers will be the most affordable source for temporary help, likely charging \$30 to \$50 per hour. The rates charged by legal research services can range from about \$85 to \$150 per hour, with prices for expedited projects running much higher. The most expensive option is to contract work out to a specialized attorney or appellate lawyer, whose rates can run \$200 to \$300 per hour or more.

Illustration by Gilberto Saucedo

Sometimes the cheaper solution will fit the bill. When there are two rooms full of documents or a stack of CDs filled with records to be reviewed for privilege or cataloged for relevance, a competent law student, new lawyer, or temporary worker can handle the assignment and will bill the least amount for the project. Similarly, if an e-discovery project is crippling firm resources, contacting a service specializing in document coding and substantive review is a good alternative. Litigation support companies can assist with these projects at a fairly minimal cost. There are also offshore companies that employ attorneys who can do this work overnight and have it to you the next morning.

For more critical issues, consider hiring an attorney who has specialized knowledge of the area at hand or one who is known for his or her skill in the art of written advocacy. If more experienced counsel is needed to relieve the burden of taking depositions or attending hearings, hire another sole practitioner with a slow workload. If the legal work is more in the nature of critical legal research, drafting or responding to complex legal motions, and particularly dispositive motions, an experienced appellate attorney or contract lawyer specializing in research and writing should be considered.

At times, generalized legal research may be needed, perhaps to identify issues early in a case. When this research is not time sensitive or immediately dispositive of the case, consider hiring a law student or a company that provides legal research on a per-project basis.

Where can a small firm or solo find available and qualified attorneys?

Contacting your local law school career services department is an obvious starting point for finding a law student or recent graduate. However, more experienced attorneys often keep in touch with the career placement offices of their alma maters when they are available for employment. Thus, the career services director of the local law school will likely know of new and experienced attorneys available for assignments and may even have some insight on the background and qualifications of the candidate for hire.

Some attorney recruiting agencies also maintain a resume bank of attorneys interested in short-term assignments. Look for smaller recruiting agencies for the best chances of success in finding temporary attorneys.

To find reputable legal research companies, start with a simple Internet search focused on Texas or the applicable jurisdiction. Some companies also advertise with local and state bar associations or in legal trade publications. Once two or three companies have been identified, ask for the names of lawyers or law firms for whom they have done work in the past. Do not rely on testimonials that a company posts on its website in lieu of references. After all, the company is not going to advertise its faults. Finally, take the time to call the individuals whose names are given as references. Ask not only about the attorney's quality of work, but whether the work is turned around in a timely fashion. The time spent on this task will be well worth the effort.

Solo appellate attorneys can be found through local bar associations' appellate sections. Likewise, look for attorneys of a particular specialty through other bar association sections. Network to find appellate and other specialized lawyers who are accepting or soliciting contract assignments. It is perfectly acceptable to ask for references and writing samples, even from specialized and appellate lawyers to whom you are referred. If a request for this information is met with resistance, a red flag should be raised.

The money spent on contract work can be recouped from a client who is paying an hourly rate or paying for expenses of a case. The Supreme Court Professional Ethics Committee for the State Bar of Texas has spoken on this issue in Opinion 577, expressly agreeing that expenses for contract attorneys can be passed through. Contracting out legal work can be money well spent, as long as there is no duplication of efforts or a lot of time wasted to bring the contract attorney up to speed on the task.

If easing workload demands without the commitment of bringing a new attorney on to the payroll is the goal, then utilizing contract lawyers, legal researchers, and legal services companies is a workable

solution. Whichever solution makes sense to address the work situation, it is important to ensure that the contract lawyer or legal service chosen has a good reputation, does quality work, can unfailingly meet deadlines, and will protect the confidentiality and privacy of the client. Ultimately, the work done by the contract attorney or service is a reflection on the hiring attorney and his or her practice.



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SOLO/SMALL FIRM PRACTICE

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