



SOLO & SMALL FIRMS NOT GOIN' IT ALONE

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ALPHABET SOUP FOR SOLOS & SMALL FIRMS

Or, a solo IP practitioner's guide to surviving and thriving

My grandfather was a very wise man. Along with being a brilliant scientist and mathematician, a teacher, and an inventor for the United States government during days of war, Tom Crowder was also an East Tennessee farmer, and he was endowed with an abundance of common sense. He could communicate volumes with very few words. One of his sayings that has traditionally stood me in good stead (at least when I followed it), "make sure you have a working clutch between your brain and your mouth." Indeed. Thus, in the spirit of granddaddy's concise wisdom, here are some tips for solo and small firms that I have found useful in my own practice as a solo intellectual property attorney.

Always check your work. As a solo or small firm, often there is no other attorney to review our work product prior to delivery to the client. Therefore, it is imperative that one check one's own work with as fresh an eye as if one is reviewing a colleague's work. I sometimes find it helpful to work backward on a document, reading and editing the last paragraph, then the next-to-last paragraph, etc.

Be Bold. Solos and small firms typically do not have a PR, marketing, or advertising department, so one must take the initiative oneself.

Create your firm's identity. Brand your firm in a way that reflects what distinguishes your methods of providing services from your competitors.

Develop a trusted network. Find colleagues – both within and outside your field(s) of expertise – whom you can trust to be a resource for you. Be a trusted, available resource for them.

Evolve. Allow yourself to change and grow.

Find a good tailor. Well-fitting clothes can make the difference between looking successful and looking like you are still "growing into" your profession.

Give back. Not only is it the right thing to do, but many clients find firms through contact made in the context of giving back. Support a favorite cause or charity. The return blessings are many-fold.

Help others. Small acts of kindness, such as holding a door for someone, spontaneously paying for someone's coffee in line behind you, etc., will uplift your own spirits long after the gesture of kindness is over.

Invest in yourself. Invest time in your favorite hobby. Invest resources in your continuing education.

Just be honest. About the bill. Your analytical skills, research skills, and communication skills are the goods and services you provide into the stream of commerce. Be straightforward about your fees, charge fairly, provide detailed records of the work performed, and don't apologize. You are worth it.

Keep good records. Even courts and other officials make mistakes. I have had Trademark Examiners reverse decisions based upon the extensive record I had of an earlier conversation that the Examiner did not recall. Upon having her recollection refreshed, she recanted her adverse decision and wrote an opinion very favorable to my client. All because I had created a record.

Live in the now. As solos/small firms, we can be our own worst enemies, beating ourselves up over something in the past we would do differently,

or, alternatively, something in the future that we can do nothing, at present, to address. Learn from the past, plan for the future, but deal with what's on your desk at this moment.

Mentor someone. Teaching another is the fastest and surest way to learn something oneself.

Never quit. As solo/small firms, our "cheerleading section" is thin to nonexistent – we don't have annual awards dinners with senior partners praising us in front of our peers. Thus we must find within ourselves the fortitude to carry on, despite exhaustion and discouragement. We must have the wisdom to provide self-affirming language for ourselves, our staff, and our firms.

Opportunities. Seize every viable opportunity. See every challenge as a viable opportunity and maximize the solution to that opportunity.

Presentation. It really does make a difference. Style your hair. Polish your shoes. Be organized.

Quality. There is no substitute for quality. Make certain your work product, your client care, your speech, thoughts, and actions all reflect the caliber of quality you want reflected by your firm.

Respond promptly. To calls, to requests, to everyone who asks something of you. Rapid response time is one of the best ways to distinguish your small or solo practice from the "Big Firms."

Stay healthy. The stresses of running a solo or small firm are many, yet you only harm yourself and your practice if you do not take care of yourself. Eat well, drink water, get some regular exercise, and get plenty of sleep.

Tip well. Service professionals deserve it. Treat them with respect and dignity. Sometimes potential clients are watching, and some clients determine their choice of firm by the genuine respect and manners shown by the firm's attorney(s) to others.

Understand your target client base. Boldly go after that base.

Verify everything. At the end of the day, you can only trust Y-O-U.

Walk away from trouble. If your instincts tell you a potential client is going to be a bad client, trust your instincts.

X out the past. Learn the lessons – both positive and negative – but let the rest of your professional history go. You won't be successful today by either resting on past laurels or wallowing in past defeats. And today is what counts.

Yearly to-dos. Schedule time at least once a year to sort, file, clean out, and clear out all those piles of paper and e-files that have accumulated under the inevitable "I'll-get-to-it-sometime" label.

Zen. Find people, activities, artwork, music, or other things that make you happy. Budget time to invest in these things. You will provide superior service to your clients if you are in superior shape physically, mentally, and spiritually.