

## **Creating an Ideal Law Practice in Conjunction with Your Home**

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*"The master in the art of living draws no sharp distinction between his labor and his leisure, his mind and his body, his work and his play, his education and his recreation.*

*He hardly knows which.*

*He simply pursues his vision of excellence through whatever he is doing and leaves others to determine whether he is working or playing.*

*To himself, he is always doing both."*

*Michael Scott Karpovich*

For the last half century the general perception of the practice of law has been that it is conducted from high-rise buildings, with marble column entries, richly clad floors and cherry wood paneling. Lawyers dress in expensive three-piece suits that would cost the average client two to five months' wages. Ironically, most lawyers wonder why they feel isolated from their clients, family and community.

This isolation problem is not unique to the 1990's. On September 9, 1861, Abraham Lincoln relieved General John C. Fremont of his command, stating that the General's cardinal mistake was that he had isolated himself and allowed nobody to see him. "(B)y which he did not know what was going on in the very matter he is dealing with." Mr. Lincoln fired General Fremont because of this isolation from those that he was responsible to and for (his troops).

Abraham Lincoln would be appalled if he visited most modern law firms. We have removed our practices from the physical and financial reach of the people that Mr. Lincoln so greatly cherished - the common person. In segregating ourselves from the rest of society we have become argumentative, self-serving and lonely. We have come to accept that a bold display of ego-based anger is admirable. We have held deception and manipulation of facts and the law as the proper way to represent our clients. In truth, our bad manners and lack of civility appall most of our clients, as they would Mr. Lincoln.

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Many of us begrudge the lack of respect that the general public currently has for most lawyers. Yet, few of us are willing to challenge the existing hierarchy in an attempt to bring the practice of law back to the honorable position that it held in Mr. Lincoln's day. There is no magic to returning to the grace of Mr. Lincoln's style of practice, other than for lawyers to decide that it is his or her responsibility to change their own behavior. This chapter identifies the steps I have taken to bring honor, pride, civility and a community purpose back into my life and, in a small way, my profession.

In 1990, I decided to reevaluate the basic principles I was using in practicing law. During that evaluation period I realized that I had adopted a style of practice that I did not respect. Also I realized that I had long ago abandoned my family and community. I worked long hours for clients I never met; mass-produced documents for land developers I did not respect; and was responsible for multi-million dollar construction projects that I never saw. I was responsible for overseeing other attorneys and staff members - people that I really did not know. I did not know much about their personal life, nor did I know whether or not they liked their work. Firm rules strictly prohibited mingling with staff and other attorneys not on the same floor or not in the same department. The firm's method of billing for services (the billable hour) had created so much in-house competition that the office atmosphere was similar to a series of small, warring camps, rather than a large unified body focused on producing the best legal work for the firm's clients. I talked to others from my law school class and found that most were having similar problems, despite the size of their firm. Therefore, I was left with the realization that these problems had invaded the mindset of most of the legal community, not just my small part of the world.

For a brief time I wondered if I could be a lawyer, at least as the legal community then defined that term (remember it was 1990). This brief self-deprecating period lasted just a few weeks. During that re-evaluation period I came to the conclusion that I was a good lawyer, but that the conflict was that I honestly cared how my clients were treated. I saw bill padding or billing for unnecessary work as theft. I also felt that unnecessary litigation or the unending flow of documents for the sole sake of producing documents contributed to the backlog in our courts, at a huge cost to all taxpayers. I believed that I could

not make a difference in my firm's philosophy because the problem had become profession-wide. Instead, I decided to carve a path for myself which reflected my respect for my profession and honest caring for my clients, my family and myself.

What was the answer? The best one was to open my own practice. That was a very expensive and scary prospect. I had several practical issues to address: (1) would my large corporate clients come with me? (2) Would they feel that a solo lawyer could provide the type of service that they had come to expect? The supervising agent for my main corporate client summed it up. She said "Diane we sent the work to you, we do not care where you practice, just so long as the quality that you have always given us continues." That locked my decision to go solo.

Once the decision was made to open my own practice then the next decision was where to open the office. Another important part of life that had been negatively affected by marble tower philosophy was my family. In order to be the conforming big-firm lawyer, I had succeeded in missing my daughter's first soccer goal, thirteenth birthday party and first dance. I had permitted things to get so bad that my sister had to help my daughter pick out her high school graduation dress. Fortunately, or perhaps unfortunately, my family was very understanding. Perhaps if they had been more demanding, I would have been forced to take a critical look at my life-style much earlier. In their eyes I was just taking the same dedicated path chosen by my father. This is the father who missed almost every class play, social event, or athletic activity that any of his children were involved in. How special that Diane was following in her very successful father's footsteps!

My family became a very important part of my decision to set up the office in my home. I had just married a wonderful man with three very confused and angry girls. None of these new members to my home had been raised with the absent parent principal. If this marriage was to be a success, and if I was to help these children through the most difficult time in their young lives, then I would have to re-prioritize my life. My work could not be all consuming and somehow I had to balance it with my family's needs. How can both groups be given equal time when it appears that the needs of both are in direct

conflict with each other? After a great deal of soul-searching my new husband and I decided that we could handle the challenge, but the only answer was to move my work to our home which would then remove the physical barriers I had accepted for so many years. This breaking of the physical barriers allowed me to be a valuable contributing force to everyone – family and professional.

When I first decided to set up an office in my home I did so very quietly. Why you ask? Because I was not sure whether my clients and peers would respect a lawyer who is practicing out of their home. Was I ever wrong! From the first day my office opened I realized that I was able to provide more efficient and cheaper service for all of my clients. Those clients referred other clients, who referred other clients, and so on and so on. No one cared whether or not I was housed in an elaborate, marble-embossed castle. My clients wanted to be able to communicate with me, be involved in the management of their case, know the status of their files, and feel that their money was being well spent. I was able to provide all this and more.

Originally I told myself I would only be at home until my family situation had stabilized. Which I believed would be one to two years. Again, that was 1990. The family situation stabilized long ago, I adore being a lawyer and my career has skyrocketed. Each year has been more financially, professionally and emotionally rewarding. Loosing the physical barriers added hours to each day. Time that was originally spent commuting or waiting for documents from the word processing department is now used to work or play. Despite the challenges, I have never regretted making the move.

I refer to my office as an office that is “on-site” or “in conjunction” with my home. By that I mean that my office is a full-time, completely self-sustained, law office that just happens to adjoin my home. I have never looked at my practice as a part-time job. However, the suggestions in this chapter will fit any alternative style, including part-time practice. The business of practicing law and making decisions about technology and client relationships applies equally to home offices and traditional offices. This chapter is unique because it discusses the philosophical issues relative to blending the practice of law with your home and family, along with some very practical tips to surviving this transition.

This chapter is designed to help you analyze whether or not a home office is a practical solution for you and your situation. What you are considering is similar to merging together several different companies: your profession, your clients, your family, your extended family, your neighbors, your community, and your personal goals and needs. Any corporate attorney will tell you that the merger of multiple companies is not an easy task and can only be accomplished successfully with a great deal of advance planning.

**IS AN OFFICE IN OR NEAR YOUR HOME POSSIBLE?** According to *Link Resources*, 37 million people work at home. Of that number, 10 million work full time at home. The average age of these workers is 41.2 years, with an income of \$58,400. Workers with post-graduate degrees total 34 percent and 54 percent are male and 46 percent female. AT&T employs approximately 35,000 tele-commuters and IBM estimates a savings of approximately \$35 million in overhead costs as a result of their telecommuting program

**GOALS.** In deciding whether you want to change your current situation, you must first clearly understand your own goals. These goals may be best defined by recalling some of your past dreams which depicted your future. First define the following four terms: success, respect, security and responsibility. Put these definitions in writing and make sure to use your own interpretations, not those of your family or friends. Next, analyze the long-term needs of yourself, your family, and your business relations. The following questions may help you in defining your goals and analyzing the style of practice that may best suited for you. Please be completely honest.

- (1) Break your definition of success into specific terms. Draw a pie chart using these terms: money, power, reputation, family relationship, community involvement or something else. Place each of these terms into a separate area, making the size of each area proportionate to its importance. How does each item rate in relationship to the way that you are currently living?
- (2) What are your own specific needs: time, money, emotional commitment to family, and work?
- (3) What are the specific needs of your family: time, money, emotional commitment?

- (4) How do you picture your future? Examine the next five, ten, twenty, thirty and fifty years. Create a picture in your mind of your surroundings and your involvement in your family, profession and community. Build on that picture so that each successive time period adds additional pieces of the puzzle until the ultimate picture is complete. (Hint: It is usually easier to begin by visualizing one of the later periods and then work backwards.)
- (5) Determine what you need to accomplish each year in order to create the picture you have for these various stages in your life. Never reject an option just because it does not fit one of your other goals. Some of the wildest ideas become the main stay of your future life. Also, be willing to reanalyze your long-term goals to determine whether you have changed your ultimate picture. Do not be so flexible that your goals have no chance of becoming reality.
- (6) If one of your goals is to open up your own office then answer these additional questions:
- Are you able to motivate yourself? Where are your deficiencies in being your own boss? Is it possible to supplement those deficiencies with other resources? For example, hire a bookkeeper if you cannot or will not balance your checkbook or bill your clients timely.
  - How much staff assistance do you and your area of practice require?
  - How much peer interaction do you and your area of practice require?
  - How will your clients view a move to a solo office?
  - What resources do you and clients deem necessary? Which of those resources are merely luxuries and could be supplemented with alternative resources? Can you afford to purchase the resources that you and your clients deem necessary?
  - Do you believe that you can produce a quality work on your own?
  - Do you need the environmental stress inherent within the traditional law-firm environment (the adrenaline rush from all the hustle and bustle)?
  - Are you capable of handling a multitude of tasks at one time?
  - Are you challenged by and do you take pride in multiple tasking?

- Are you willing to compromise billable time for management time? (Most solos will tell you that they spend at least 50 percent of their time managing their practice.)
- Are you willing and able to keep up with technology, including taking the time to learn how to use whatever you have invested in.

Look closely at your answers to determine whether or not a solo practice, whether in your home or downtown, is the best option.

**SPECIAL ISSUES RELATED TO ON-SITE OFFICES.** An on-site, or home-based, office can either be an extension to a traditional downtown office or it can be your only office. In addition to those issues discussed above, consider the following:

**Your family situation.** Will your family tolerate your invasion of their privacy? What are their expectations of a normal home?

**The geographical location.** Will your new office be convenient for your clients? How far is it from the courts or other necessary services?

**The physical layout.** Is your home, with its existing floor plan, practical for an office, or will you need to remodel, add on or move? What can you afford?

**The balance of work and home.** Will you be able to balance the invasion of work into home and vice versa? Do you have the ability to mentally separate each so that you have a home and not a bed within your office?

**Security and privacy.** Two issues that are often overlooked in setting up an on-site office are security and privacy. Determine what you can do to provide you, your family, and your client information with a secure and private environment.

**Zoning.** Check the zoning restrictions for your property before investing in adding a new office. Most of the older CC&Rs limit or prohibit businesses in the home that will “substantially increase traffic” in the neighborhood. Some of the newer residential developments have absolute prohibitions for any home-based offices. In the future as home-based businesses become the norm there will be

increased demand that these limitations be relaxed or eliminated. For now, be sure that you are fully informed as to the restrictions and be willing to make necessary changes.

## **SETTING UP A SMALL OFFICE IN CONJUNCTION WITH YOUR HOME**

The considerations in setting up a small office in conjunction with your home are the same as setting up a multiple-lawyer firm, except that you are the sole decision-maker. All equipment, file setup and staffing requirements must be determined. Your choices will be influenced by the physical size of office, monetary constraints, the client's requirements, and/or the particular demands controlled by your type of practice. The following issues relate specifically to an on-site office.

**Office Requirements.** It is necessary that your office be a separate room dedicated to only office equipment, furniture and files. Not only will this satisfy most with requirements of the IRS, but it will also assist you in practicing more efficiently and in creating a professional image.

Design a layout for your desk and other work surfaces that satisfy your needs based on the available space. Take into consideration equipment that needs to be easily accessible, the necessary file space, and whether or not you are your own secretary. In addition, you need at least two client chairs (assuming you will be seeing clients in your on-site office).

To ensure privacy, it is essential to have a door that separates your office from the rest of the house. The only exception to this requirement would be if you are the only occupant of your home and do not have pets. If you have a family then they have the right to a normal home environment. The separation between the two "worlds – office and home" will give them that normal environment.

The perception of a home is in conflict with our current perception of the typical office environment. Giggling children, barking dogs and washing machines are part of a normal home, but are not acceptable sounds for an office. These sounds will disturb your meetings with clients and inhibit your ability to work efficiently. Most importantly, these distractions reduce the professional image you wish to create.

You have an obligation to protect and secure client confidentiality. This includes protecting client files from the peeping eyes of others. Your office is not a place for personal visitors or children at play.

It is essential that you educate each member of your family to honor the confidences of your work and respect your clients' information and documents. Receive personal visitors in your home, not in your office. Meet with your clients in your office, not in your home.

In addition to a security alarm system on both the house and office, and in order to enhance the security of my office, I have built a lattice patio as part of the entrance to the office. This adds a wonderful atrium and provides me a conference room in a lovely garden setting. The patio adds privacy to the entry of the office and limits visibility from the street. Curious passersby cannot see into the office, nor can they see the expensive electronic equipment.

Adequate file storage is a necessary evil. If storage in your home is limited then rent space in a convenient, air-conditioned facility. That rent will be additional overhead but is usually inexpensive. As technology becomes more reasonably priced, you will be able to convert all files to computer images through scanning. Storage can then be a small disk, which will eliminate most storage problems.

**Clients.** Your choice of location or style of practice may be dictated in large part by your current or prospective clients. Many of my clients are large, commercial, out-of-state lenders. Historically, I met these clients at their local office, if they had one, or we limited our meetings to the telephone, e-mail, and/or fax. For these clients, an on-site office was extremely convenient. In fact, most of them have come to prefer it because they can make arrangements for me to be available during hours that a traditional law office is closed. In a profession where our clients are spread throughout the world, this more flexible work schedule is very appealing to clients who work in different time zones.

The majority of my individual clients are professionals or referrals from other professionals. These people are typically self-employed and many their own home-based offices. They enjoy the low-stress environment offered by my on-site office. I can pull computer court dockets, make necessary copies, and direct my runner/process server, all while my client is in the office to help with the instructions. Evening and weekend hours are easily arranged. The client's travel time is greatly reduced, with little or no traffic or parking problems.

**Client management.** It is very important to lay the ground rules for your on-site office. It is not permissible for clients to “drop by”. Explain to them that each client has assigned times for meetings, thereby assuring that their meetings are uninterrupted. Locate a pickup and delivery box outside the entrance to your office and invite your clients to use it at any time. Explain that the office phone is only answered during normal business hours, but that the fax machine is left on 24 hours a day. Let your clients know that in special situations you can be available during non-business hours.

**EQUIPMENT.** In addition to the normal computer and electronic equipment for a small office there are a few other items that are specific to an on-site office.

**Telephones and telephone lines.** There are as many different choices for tele phones as there are long distance providers. It is advisable to stay with a manufacturer of your phone equipment that has a good reputation. At a minimum, you will want a two- or three-line phone with: speaker, hold, conferencing, mute and do not disturb features.

One line is dedicated as your main office line. This number should be listed as a business line and will be included in the yellow pages under your specific area of practice. There will be an additional charge for this business line, but it is worth the few extra dollars to have a presence in the business section of the telephone book. You may also elect to have Caller ID on this line. Include voice messaging, or some similar service, which will answer all incoming calls after a predetermined number of rings, or if the line is busy. Do not use call waiting on your office line, it is far too distracting for you and your callers, and it does not give the professional image that you are trying to create. Establish a habit of turning off the ringer on the phone during non-business hours, unless you have made special arrangements to receive late or weekend calls.

The second line should be used for the DSL, fax/modem and as a second outgoing line. This separate line will permit leaving the fax machine on twenty-four hours a day, seven days a week and allows clients, worldwide, to fax at their leisure and not be dictated to by the hours of your office. Of course e-mail has replaced this form of communication for many clients.

Use a third line as your home line. Do not give this phone number to any of your clients. All incoming and outgoing personal calls should be restricted to the home line, not your business lines. You may decide not to have your personal phone number included in the personal section of the telephone book. That is an individual choice. I have retained my maiden name, therefore can list our home number under my married name and still retain our privacy.

Depending on your preference, you may decide to use a speakerphone. Personally, I find speakerphones objectionable and I believe that most clients mirror my opinion. If you are too busy to pick up the phone to talk directly to your clients, then your clients may decide to find another lawyer who has more time or is willing to treat them with more respect. Also some older clients have a difficult time understanding someone using a speakerphone; the echo distorts the voice. There is also an issue about confidentiality with the use of a speakerphone.

To reduce your chiropractic bills, invest in an ear loop attachment as a replacement for the handset. This device is extremely helpful in eliminating the stiff neck suffered while holding the phone between your chin and shoulder. It also frees your hands in order to type or write comfortably. The person on the other end of the phone can rarely tell whether you are using an ear loop or the regular handset.

**PERSONNEL** Even if you are working from an on-site office, you will still find it necessary to consider hiring employees or outside labor.

**Employees.** Factors to consider are: (1) the training and supervision that will be necessary in order for these employees to be self-sufficient and profitable, (2) whether you have the space to accommodate them, (3) whether they can work full- or part-time from their homes, and (4) whether part-time employees will accommodate your needs. Your imagination is the only limit to the possibilities.

Do not forget the additional legal obligations you have as an employer, such as making payroll, paying taxes and providing a safe work environment.

**Contract labor.** Contract lawyers, research assistants, legal assistants and secretaries can be used on a one-time or ongoing basis, depending on your needs. Be very careful whom you allow to gain

access to your computer via modem.

Even if you decide not to hire office staff then contract with a delivery and process servicing company. Learn to consolidate deliveries and other errands by using your delivery service.

**MISCELLANEOUS.** There are several basic issues related to the operation of any small office: mail, library and supplies. In addition to establishing office policies related to each of these there are also unique issues for the on-site office.

**Mail.** Do not use your home address on your correspondence or business cards. This will make privacy and security more difficult.

One option for an address other than your on-site office is to rent “virtual” space from an existing law firm and use their address for your mail and deliveries. This rental may be limited to no physical use of the offices or it may be expanded to hourly use of the conference room and a per-use charge for their copier, fax, and other equipment. Some of these offices will even offer reception services so that you can forward your phone calls if you are going to be out of your office.

**Library.** The Internet has become a very popular place for research. The Arizona Revised Statutes are on-line for no charge at <http://www.azleg.state.az.us>; Cornell University Law School is at <http://law.cornell.ed>. (which provides access to U.S. Supreme Court cases, the federal code). There are hundreds of other sites for free research. The best free legal website is [www.Findlaw.com](http://www.Findlaw.com). Make sure to sign up for the free daily legal updates and weekly legal specific case law updates

**OFFICE MANAGEMENT.** Additional office management policies you will need to establish include: the handling of mail, docketing, files, timekeeping and accounting. Each of these items could be an entire chapter of their own. For more information on these subjects see *Going Solo in the 90's*, by Diane L. Drain, *Life, Law and the Pursuit of Balance*, Edited by Jeff Simmons, State Bar of Arizona, County Bar of Arizona and American Bar Association, 1996.

**FINAL THOUGHTS:** As I stated above, these are steps I have taken to bring honor, pride, civility and a community purpose back into my life and my profession. They have worked for me and can work

for you. If you dream of having control over your daily life and include your family as part of your day, then an on-site office may be the answer to your dreams. I guarantee your clients will appreciate the lower hourly rate, the more timely response, and the ease of accessing their lawyer without maneuvering through several layers of staff.

Remember - image is everything. As long as you believe that you are a professional, as long as you look, act and talk like a professional – then you are a professional. Trust in yourself.

## **ENDNOTES**

1. DONALD T. PHILLIPS, LINCOLN ON LEADERSHIP (1992).
2. G. BURGESS ALLISON, THE LAWYER'S GUIDE TO THE INTERNET (1995).