

TWLF NEWS & VIEWS

The Official Newsletter of The Weinreb Law Firm, PLLC

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Lessons Learned

In this quarter's newsletter, Elan E. Weinreb, Esq., Managing Member of The Weinreb Law Firm, PLLC, reflects upon lessons learned from his first year of solo practice and offers advice to those considering the transition from employee to entrepreneur.

April 2015 marks the one-year anniversary of The Weinreb Law Firm, PLLC's quarterly newsletter, TWLF News and Views. My spouse, Michele, who is also the firm Office Manager, suggested that I dedicate this issue to discussing the lessons I have learned throughout my inaugural year of solo practice. I am happy to take her suggestion in presenting three such lessons and am grateful to her for having made it. I also am grateful to my family and friends who have served as an amazing support network throughout my simultaneously exhilarating and exhausting journey.

Lesson #1: Freedom Isn't Free

Most solo practitioners whom I have encountered have told me that they hung out their own shingle to achieve the perceived freedom associated with solo practice of being able to control one's schedule, accept or deny cases at will, and otherwise practice law within the bounds of the law.



While such freedom does exist, maintaining it has a price, namely commitment, passion, and sacrifice on several levels. For example, I have found that even with the assistance of support staff, without at least some daily commitment to handling firm administrative tasks, such apparent trivialities can quickly become overwhelming obstacles. Paying close attention even to minor details stops molehills from becoming mountains.

In addition, I have come to realize that one cannot be an optimal advocate unless he or she identifies (but not too much) with his or her client's interests. For instance, when I represent a client who has a particular disability, I find it invaluable to visit him or her periodically simply to gain a first-hand impression of his or her unique challenges. Such visits often involve a short-term sacrifice of billable hours.

“Freedom Isn’t Free” — cont. from Page 1

However, this sacrifice is well offset by the long-term gain of cementing a personal attorney-client relationship. One cannot possibly hope to achieve the latter on the eve of trial.

Finally, I have found that to fully enjoy the freedom offered by solo practice, one must be more flexible in interacting with others—be they clients, other attorneys, or loved ones—and adapting to changes in circumstances than when one is not self-employed. When one is the employee of another, he or she has the “shield” of restrictions on time and limited authority created by his or her employer. “Sorry, but I can’t come home now to help you with the computer problem; the partner-in-charge needs me here,” or “Sorry, the partner-in-charge won’t allow me to grant you the extension that you’ve asked for” are perfectly reasonable statements when one is employed by another. However, they are rarely reasonable when there are no “shields” that you can fall back upon and when the proverbial buck stops with you.

So yes, you may have to stay up throughout the night to finish a brief because you helped solve your spouse’s computer problem and yes, you may have to offer an extension requested by opposing counsel even though it may inconvenience you later on down the road. However, you will have the satisfaction of knowing that decisions like these were solely your responsibility and that hopefully, when confronted by challenges like these, you rose to the occasion.

Lesson #2: Technology Is Only a Means to an End

Coming of age in the dawn of the Information Age as one of the youngest members of Generation X and oldest members of Generation Y, I developed a keen interest in computer applications in the early 1990s. The greatest Hanukkah present I ever received from my father was a Hayes ACCURA® 14,400 kbps modem—my first Internet surfboard. From that time, I became a power user and even taught myself some rudimentary programming and networking skills, notwithstanding that I was never a “numbers guy” (and still do not love math today, although I’ve learned to tolerate it).



I still consider myself a power user, have attended LegalTech® in New York for the past three years consecutively, and occasionally author legal technology articles. But now having worn a firm principal’s hat for over a year, I am more judicious in shelling out dollars for technology, partly because I have come to realize that while technology can be a solo’s Excalibur, it can also easily become his or her Achilles’ Heel.

“Technology Is Only a Means . . .” — cont. from Page 2

Technology is only useful if it: (a) is in fact used and (b) only used as a means to an end. The latest and greatest wireless router supporting the IEEE 802.11ac protocol is wasted on a user who only has an IEEE 802.11g wireless card in his or her computer and does not plan to upgrade. This is why even though products like the NETGEAR® R8000-100NAS Nighthawk X6 AC3200 Tri-Band Gigabit Wireless Router impress me, I will not purchase them because they are of no personal use, given my current technology setup. What is the point of the latest and greatest router when—in my case—it will not function with “all cylinders running?”



And regarding technology used in my practice regularly such as Gary Kinder’s wonderful WordRake® editing software (which has been used to edit this article), G-d forbid should I ever let it become a substitute for the most powerful editing device to have ever existed: the human eyeball. All things considered, one’s brain is still the most powerful supercomputer on the market. To swap its super-priority position with even the most powerful of technologies is to transform oneself from the power user who uses technology to live into the powerless user who lives to experience technology.

In sum, control technology effectively in your practice or be effectively controlled by it.

Lesson #3: “Do Not Fear Superman”



Last but not least, I recall the words of a former colleague of mine when he started his own firm: “Do not fear Superman,” with the reference here not being to the superhuman son of Jor-el of Krypton but rather to BigLaw firms.

Over the year, I had occasion to cross swords with a 900+-attorney firm in one case. By no means was it a walk in the park, and I certainly did not win every battle with this behemoth. Having worked for BigLaw, I know that its firms are formidable opponents who must be taken seriously and never underestimated. This opponent was no exception to the general rule.

“Do Not Fear Superman” — *cont. from Page 3*

However, with G-d’s help, I prevailed in one or two key areas and was able to do so by following my former colleague’s advice not to be blinded by size or power, keeping in mind that the only guarantee in litigation is that there are no guarantees.

It is possible for the “Davids” of the legal world to take down the “Goliaths.” It just requires much more than a slingshot and stones, namely hard work, devotion, creativity, the effective use of modern technology, and at least a small measure of divine assistance.

I conclude by recalling one of Polonius’ memorable bits of sage advice to his son, Laertes, in Act 1, Scene 3 of *Hamlet*: “This above all: to thine own self be true”

I have been blessed over the past year by having been able to achieve this aspiration: to establish and grow a law firm on my terms while still being true to my beliefs, faith, and opinions. It is my hope and prayer that G-d grants me the ability, wisdom, and resources to continue in this manner . . . and may He award me any and all further and other requested relief that may be just and proper.



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