

# Down under, but not out

"I CAN'T POSSIBLY go, it is much too soon. I can't. I can't. Anyway, we can't afford it." This to my wife who wanted so much to see her doctor daughter in Australia after a six-month separation. Her to me (still in a state of turmoil after losing my job): "But you must. You've not had a proper holiday for well over a year and if you don't come I will go alone."

So, among all the other pressures that have piled up like so much manure produced by a flock (or whatever the noun of aggregation for equines is) of horses, I agreed, regretted it and back-tracked... then caved in and agreed again.

## A change in circumstances

Before Christmas I told the story of my abrupt fall from grace from being a once-secure partner in a firm of solicitors to joining the burgeoning ranks of unemployed solicitors (see 'All Change Please', *Solicitors Journal* 152/45, 25 November 2008).

So here is instalment two. After fulminating for many days and feeling angry and extremely sorry for myself I realised that at my time in life I might not be the most appealing candidate for job interviews (if I were to get that far), but more to the point that I could really do without partners breathing words down my neck like "targets", "under-performance" and "parasite". In fairness they did not use the last – but it felt like it.

Going it alone has real drawbacks – not least the almost prohibitive cost of indemnity insurance and the fact that sole practitioners are treated in some quarters as being the legal equivalent of a bad smell. But there was another possibility. Call it a virtual solicitors' office or a sole practitioner's dream, but the reality is that there are firms springing up that challenge the old idea of chaining fee-earners to desks, targets and time recording. One such firm is the one I have joined (look it up for yourself: [Socomo.com](http://Socomo.com)) which provides no-frills premises plus infrastructure, insurance and compliance mechanisms to enable those who would be happy never to be a partner in a firm again not to be.

## Lands End to Lanzarote

So how does it work? You join the firm as a self-employed consultant. The support services are provided in return for the firm receiving a percentage

(usually 30 per cent) of your fees when they are paid. Whether you live in Lands End, Llandudno or Lanzarote, all communications are to and from the firm's office in London. This causes no delay

because all incoming post is scanned and emailed to fee-earners on the same day.

Fee-earners join 'units' for the purpose of training and supervision, with regular meetings to discuss marketing, strategy and problems.

If you have no clients you will be waiting for a very long time for any income. Consider doing a deal with your firm that enables you not only to take your cases but also your work in progress (after all your former partners probably said to you that the cases you so cherished were not worth a hill of beans – so offer them a small hill of beans to take them off their hands).

## The future's another country

You still have to find a way of staving off bankruptcy while you wait for cases to arrive then finish, and that means setting up business finance. Not a problem, you might think. After all, had not your bank and every credit card company you ever dealt with tumbled over themselves to lend you thousands? Yes they may have done, but that was before you lost your job and the recession kicked in – the past was the past and the future is another country.

My first effort at a business plan failed: the computer said "no". Banks want cash flow forecasts and lots of information about how you will eventually earn money. They do not know about conditional fee agreements and the costs rules. I had to prepare a complete DIY kit on personal injury cases so as to educate the bank into differentiating between me and the man who wants to set up a business breeding and selling alpacas. Eventually, extremely reluctantly, the computer said "yes", but not before it demanded a first charge on my property, my wife's bees, my fire engine and my mother-in-law.

Then you have to run your cases – from home. Many of us have worked from home from time to time, but this usually means bringing a bulging briefcase home on a Friday, feeling guilty all weekend for not



doing the work and, at about 11 pm on Sunday, doing an hour's frantic dictation.

But what if it is not a bulging briefcase but a carload of files, and there is no secretary to type, file, put in envelopes, soothe the clients and you? (For my suggestions as to what to do next, log onto [www.solicitorsjournal.com/tales](http://www.solicitorsjournal.com/tales))

Back to the present, and as you will guess she (and if I were borrowing from the late John Mortimer and his Rumpole character I would add "who must be obeyed") prevailed. Some things however do not change. I was nowhere near ready to leave by the time we were nearly an hour past our chosen time to leave for the airport. As I ran out of the door with my hastily packed suitcase, I was still stuffing letters into envelopes and putting the finishing touches to letters that I hoped would cause my opposite numbers to go weak at the knees.

And now I am sitting with my laptop in Federation Square in Melbourne with the late Australian summer sun filling with warmth the unaccustomed crevices in my pale skin, and I am thinking that I am after all glad I came.

But wait, an email has just flashed up on my screen – a letter from some defendants: "Dear Sirs, Upon receipt of your letter we went weak at the knees and we admit liability."

Sorry folks – must dash. Work calls.

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SJ online



Want to set up at home?

Read Richard Barr's tips on setting up as a sole practitioner working from home  
[www.solicitorsjournal.com/tales](http://www.solicitorsjournal.com/tales)

## Do your homework

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Setting up at home should not be a half-hearted effort. Your home office must be better organised than your old one, as you no longer have anyone to sort out your piles of papers, put documents in files and stop your life descending into chaos.

I have found that every day it is essential to put all files in order. Don't let it go beyond a day because you will lose the will to live if you begin to drown in a sea of paper.

You must also Eat That Frog. Buy the book with that title by Brian Stacey. It tells you how to organise your work life and the first principle is that you must start each day by doing the hardest task first (the equivalent of eating a frog raw). After that all tasks are much easier.

## Get yourself equipped

You will need:

*Computer:* It goes without saying that you must have a computer, and the skills to go with it. New computers are quite cheap. You will be manipulating a lot of material. Consider having two screens so that you can compare documents or work from precedents and move swiftly between files. I have found that this instantly makes life easier.

*Printer and scanner:* Get a decent printer, and also invest in a fast document scanner. If you have both you will not need a photocopier as you can scan documents to file (which is helpful as they then become permanently in your system). This is particularly helpful for large documents (such as reports and medical records) as they can then be printed out at the touch of a button without the need to stand over a photocopier. You can get a combined printer, scanner and fax machine, but unless you are dealing in very small volumes of documents I would not advise this.

*Telephone:* I have a dedicated line, and use BT's advanced call minder which tells the caller if you are already on the telephone and takes messages. It will also call another number (like a mobile) to tell you that someone has called, so you can always return calls quickly.

## Software

I personally do not get on with Windows Vista and I was pleased to find that you do not have to use this operating system. Computers can be provided with a 'downgrade' to

Windows XP, which I find much easier to use. It also runs older versions of word processing programmes, so (if you already have them) you will not have to invest in that software.

But there is other software you should consider:

*Voice recognition:* A long time ago I looked at voice recognition programmes. Then they were slow, frustrating and inaccurate. These programmes have come on a lot. With a modern computer you can now dictate to it at conversation speed with accuracy approaching 100 per cent. You do need to train yourself, as well as it. Voice recognition programmes are the reverse of secretaries: they have no problem with long words but often stumble over short ones (I still have difficulty making it tell the difference between 'but' and 'that', but it was spot on when I dictated *res ipsa loquitur!*). And if I say 'um' between words it comes out as 'bum' - not necessarily good for client care. You can even plug a dictation machine in and transcribe your dictation. When using voice recognition, proof reading is essential, because when it does go wrong it can do so spectacularly and you can end up with sentences that make no sense to anyone. I use Dragon 10 but there are others.

*Adobe Acrobat:* This is a programme for creating and editing pdf files. Pdf files are the electronic equivalent of photocopies and the programme will let you index and paginate documents you have scanned.

## Hints to make things easy

- Set up your letterheading so that it works with window envelopes. It saves time in addressing envelopes and also eliminates the risk of letters going to the wrong destinations.
- As you write to people (clients or others on a particular file), create letters containing all relevant information (names of parties, address, reference and so on). Then whenever you write again, make a copy of the original, then all you will have to do is change the body text of the letter - this saves many minutes of fiddling around if you do not have to set up the layout every time you write a new letter.
- Do the same for file notes for each client.
- Rather than faxing documents, consider instead emailing them: use Adobe Acrobat to turn your letters into files and email them. It is faster, and the quality is better, than faxing. You can also send colour copies.

- Make sure you have a foolproof way of backing up files. You will be on your own. Consider getting a fire-proof safe and using a series of large capacity key drives or external hard drives by rotation.

- Don't forget to register with the Information Commissioner. You will be holding client data. Registration is compulsory, and the fine for not complying is massive.