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# Solo & Small Firm Lawyer Guide to Surviving in a Time of Covid

Your questions on financial support, marketing ,going remote , new practice areas & more!

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Presented by Carolyn Elefant, MyShingle.com March 27, 2020

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# Part I - Getting Through It

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# Rules to Get Through

1. Realize that this is a slog. And that's OK.
  2. For now, think small.
  3. One day at a time.
  4. Don't lose hope.
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# **Part II - Financial Resources and Relief for Solo Lawyers & Small Firms**

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## Link to CARES Act -

<https://assets.documentcloud.org/documents/6819206/CARES-ACT-FINAL-TEXT.pdf>

Provides many benefits for small businesses including independent contractors and sole props. Discussed on next slides.

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# Unemployment Benefits

## Corona Virus Aid, Relief & Economic Security Act (CARES)

The bill extends unemployment benefits for 13 more weeks and also includes an additional \$600 a week on top of state unemployment benefits for up to four months.

Freelancers & self-employed potentially eligible under state plans - keep checking. May not need to look for work so could use 44s to start or fund new firm

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Department of Labor Guidance  
<https://www.dol.gov/general/topic/unemployment-insurance>

List of state sites -  
<https://www.careeronestop.org/LocalHelp/UnemploymentBenefits/find-unemployment-benefits.aspx>

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# Business Funds & Loans

SBA Loans CARES Act gives 350 billion in loans for small businesses to cover salary, wages and benefits, mortgage & utilities.

Available to small biz & home-based biz and sole props. To apply:

<https://disasterloan.sba.gov/ela/Information/EIDLLoans>

**State Resources:** Many states starting emergency funds - see <https://www.sba.gov/local-assistance/find/?type=Small%20Business%20Development%20Center&pageNumber=1>

List of other state programs (always growing) - <https://www.forbes.com/sites/advisor/2020/03/20/list-of-coronavirus-covid-19-small-business-relief-programs/#459ba8bce89d>

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# Business Funds & Loans

## Paypal Small Biz loans

<https://www.nerdwallet.com/blog/small-business/paypal-loan/>

## Other online financing programs

<https://www.nerdwallet.com/best/small-business/small-business-loans/compare-financing>

## Banks with covid relief -

<https://www.forbes.com/sites/advvisor/2020/03/12/list-of-banks-offering-relief-to-customers-affected-by-coronavirus/#3d386bb43ee3>

**IRA Loans - CARES Act** waives 10% early withdrawal fee from retirement accounts for up to \$100k. *Still not a good idea if avoidable!!*

<https://fortune.com/2020/03/26/stimulus-package-how-to-unemployment-benefits-small-business-student-loans-self-employed-retirement-coronavirus-bill/>

**Vendors** - Many legal vendors will grant relief, deferred payments and discounts. Negotiate service contracts.

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# Student Loans

**CARES Act** gives 6 month break for federal student loan payments and zero percent interest; non-payment will not delay loan forgiveness periods See

<https://www.forbes.com/sites/advvisor/2020/03/26/what-to-do-about-your-student-loans-during-the-coronavirus-covid-19-crisis/#3c0210691509> -

Treatment for private student loans unclear at this time.  
Contact lender to negotiate.

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# Funds for Clients

## **Litigation Funding Programs -**

ABA Formal Opinion 484 sanctions use of litigation funding (like car loan or dental loan) See

[https://www.americanbar.org/content/dam/aba/images/news/2018/11/formal\\_opin\\_484.pdf](https://www.americanbar.org/content/dam/aba/images/news/2018/11/formal_opin_484.pdf)

## **Resources:**

Justiceforme.com

Legalfeelending.com

Iqualifylending.com

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# Part III- Going Virtual

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# I've never been virtual. What do I need to go remote?

1. **Tools to communicate with clients** (phone, email, text or video (Zoom discussion to come))
  2. **Tools to house docs and/or share docs with clients or OC** (Google Docs, Box, Dropbox, Clinked, LPM tools)
  3. **Tools to allow clients to self-schedule & remind of appointments** (Calendly, Accuity)
  4. **Tools to accept online payment** (Lawpay, Lawcharge, Paypal, Stripe)
  5. **Tools to convert paper docs into digital** (Snapscan, phone scan, efax or make OC do the work) Earthmail to scan physical mail.
  6. **Tools to manipulate PDF files** (AdobePro, Nitro PDF)
  7. **Tools for E-signature** (HelloSign, Docusign)
- Some free resources:  
<https://myshingle.com/148-free-tools-to-start-a-nd-grow-a-law-firm/>
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# How to set up secure remote platform? (General tips)

1. Can use out of the box law practice management systems like Clio, MyCase, RocketMatter
  2. Don't overthink it. Most tools comply with US and GDPR regs that are more stringent than bar rules. Read TOS and purchase paid services.
  3. Use extra caution as needed. Share secure docs (like SS numbers or driver's license info) through password protected documents or encrypted email or portals.
  4. Use third party payment processors to avoid collecting credit card information.
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# Is Zoom sufficiently secure?

1. Zoom offers end to end encryption as do other video tools. Can also install fake background
2. Note - recent article highlights TOS - Zoom does collect personal data used for marketing purposes (but still would comply w/US privacy policy) -  
<https://www.forbes.com/sites/kateoflaherty/2020/03/25/zooms-a-lifeline-during-covid-19-this-is-why-its-also-a-privacy-risk/#1d6b20b628ba>

If uncomfortable with Zoom, other alternatives here - See N. Black -  
<https://www.abajournal.com/web/article/top-video-conferencing-tools-for-lawyers>

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# What tools are available to notarize docs online?

1. Can notarization be avoided?  
(Eg 28 USC 1746 declarations for federal court don't require notary)
  2. Fast changing area - Some states already allow remote notarization while others are relaxing rules. See <https://www.fool.com/millionacres/real-estate-basics/articles/will-remote-notarization-rules-change-because-of-covid-19/>
  3. Tools - Livenotaries.com, Notarize.com, onlinenotary.net
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## Other favorite online applications? It depends...

1. Zoom for webinars and virtual depositions
  2. Wistia/soapbox for quick online screen recordings. Many use Loom for inhouse trainings.
  3. Slack for communicating with law students. Not a fan for group chat (becomes a hot mess).
  4. Typeform for online forms (but pricey), also Google forms.
  5. Calendly for online scheduling or meetings
  6. Zapier to link functions
  7. Docketbird (federal PACER management)
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## How can I pivot and offer virtual services in litigation based areas like family law or criminal law?

1. Don't overthink it. What aspects of cases CAN'T be done virtually? (Discovery, Depos, client intake, witness prep, status conferences, emergency hearings can all be done online. Mediations now being done online). What is SO unique about these areas that they require in person appearances?
2. For in-person, either show up or use local counsel (Appearme.com, Localcounselcollective).
3. More convenient for clients, can keep costs down.

*Going remote is more of a mindset than anything else.*

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## How can I work virtually with older clients who are not tech savvy?

1. Don't be fancy. If client prefers phone, use the phone.
  2. Does client have tech savvy children or siblings who can be involved?  
Many times, children appreciate opportunity to be able to access documents virtually.
  3. Meet clients where they are. If they can't scan, can they take a photo of documents and send via phone? Can they text or use email? If their files are paper and they have to copy, can they have them scanned at a Staples or Fed Ex Kinkos?
  4. Use virtual assistant or staffer who can provide one on one assistance to elderly client - or purchase Geek Squad membership for a few months for clients.
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# What ethics issues govern virtual law practice?

1. Ex. 1 - Licensed in State A, lives in State B but not licensed in B.. Can I serve clients in State A from my home in State B?
    - a. Does State A have bonafide office rules? If yes, you'll need a physical presence in A.
    - b. Does State B consider it UPL to be practicing law in State A while sitting unlicensed in State B? (Not an issue for federal practices. Otherwise may depend on whether lawyers hold themselves out as practicing in state B)
  2. Ex. 2 - Licensed in State A. Can I rep clients in other states remotely in State A? Yes, no issues here.
  3. Ex. 3 - Licensed in State A, client in state A with problem in State B. Can I help if not licensed in State B? Yes & no. Can research state B issues but not handle matters considered "practice of law" in state B (can be broad)
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# Part IV- Marketing, Growth, Opportunities and Making Ends Meet During Pandemic

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# How can I market my estate planning practice now without it seeming insensitive even though it is important?

1. Provide helpful content and information at no cost and that people can do now that many have time on their hands:
    - a. Examples - designating/updating beneficiaries on various accounts. Reminder to designate back up for social media accounts, email and other digital assets.
    - b. Create branded spread sheets, forms and checklists for people to do this
    - c. If you have an intake form make it available not to sell services but for people to use to get things in order.
    - d. Hold webinars or videos showing people exactly what to do
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# How can I market my estate planning practice...

2. Provide RELEVANT content to Covid-19
    - a. Not the time to sell generic \$10k estate planning services
    - b. Discuss POAs and Health Care proxy. If your state has forms, link to them and walk people through. Explain witness & notary requirements. May not yield business right now but generates good will.
    - c. Ventilators are scary. May invoke life or death decisions. What if family members disagree on what to do? When is removal of life support appropriate. Can organs still be donated. Tough Qs and not all legal but people crave answers. Co-host webinars with medical professionals and counselors to answer these questions
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# How can I market my estate planning practice...

3. Consider creative pricing strategies
    - a. Fee-based Q&A sessions or consults (to answer Qs not just give overview)
    - b. Wellness Checkup - Offer to review estate docs free, then charge for changes after wellness audit
    - c. Offer special discounts or reduced fees
    - d. Experiment with “lay away plan” - \$X/month for estate planning or subscription (\$X month for minimum 12 months for estate plan & Qs answered)
    - e. Unbundled services to help with probate and keep costs down
    - f. Co-marketing w/financial planners for advice on retirement, what to do with stock market down. Borrow from IRA?
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## **Friends & family are asking me for POAs and wills which is not my area of expertise. How can I help but not incur liability?**

Overall -hard to limit liability without doing work through sanctioned pro bono provider (but check with malpractice carrier) Otherwise:

- .1. Keep advice general - don't address specific situation.
  2. Review rather than draft (with caveat that it's not your expertise)
  3. Be a resource - vet sites that have approved POAs (eg state sites) or DIY wills online. Explain limitations of sites and other work needed (e.g. beneficiary designations, providing for management of social media accounts if deceased) Offer assistance on signing requirements.
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# Estate Planning - Articles & Resources

1. NY Times - (3/26/20) - making a will during COVID  
<https://www.nytimes.com/article/what-is-a-will-and-how-to-make-one.html>
  2. COVID estate planning strategies - (Forbes 3/20)  
<https://www.forbes.com/sites/christinefletcher/2020/03/23/eight-estate-planning-strategies-in-a-covid-19-world/#7ae57a713a2c>
  3. Estate planning wellness check up (Nat. Review 3/20) -  
<https://www.natlawreview.com/article/estate-planning-turbulent-times>
  4. Motley Fool estate planning -  
<https://www.fool.com/retirement/2020/03/08/the-e-coronavirus-should-have-you-thinking-about-the.aspx>
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# Is it appropriate to market my services now?

1. Yes - but don't be tone deaf or desperate.
  2. People need information about what is happening. How courts are handling cases. If certain ways of doing things (delaying cases or virtual hearings) will compromise their rights. Providing content is marketing.
  3. Lend support - fund meals for hospital workers or buy masks and Purell.
  4. If you rep ongoing clients, reach out to them and ask if they have any Qs (as past clients, no restrictions on contact).
  5. Make use of social media - FB groups & insta to post information and share inspiration
  6. Can use blogs or newsletters or both (ABA Ethics rules on blogging [-https://www.americanbar.org/news/abanews/aba-news-archives/2018/03/aba\\_issues\\_formalgu/](https://www.americanbar.org/news/abanews/aba-news-archives/2018/03/aba_issues_formalgu/))
  7. People need lawyers & to see that lawyers are in business which is done by marketing.
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## What can I do to make ends meet when work has dried up but may not qualify for loans?

1. See if loans will help - but don't overburden yourself since you will need to pay them back
  2. Stay calm - right now people are shell shocked. Take 1-2 weeks to figure out a plan or strategy.
  3. Reach out - If you already have past clients, CALL them and talk to them about what they need. Conversation can generate work.
  4. Stay engaged. Join FB groups or listserves related to your market and watch for recurrent Qs. Those are potential practice areas to chase.
  5. Experiment with new pricing ideas - subscriptions, lay away, client financing (earlier slides), discounts and flat fees.
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## How can I find contract work to make ends meet?

1. Join a platform like lawclerk.legal or HireanEsquire (note - some attorneys may be offering unreasonable fees. Don't do it)
  2. Approach traditional attorneys to help transition to remote - support video depositions or online mediations, digitize docs. Combine legal skills w/tech to get in the door.
  3. Be proactive in offering services to lawyers - writing law review article, blog posts, managing social media presence, website compliance audits.
  4. Don't work for free - but offer price breaks to attorneys who send work.
  5. To learn new area, offer to proof or review, or listen in on depositions or meetings.
  6. Compile COVID 19 resources packages and sell or license to attorneys
  7. Facilitate payment through use of Paypal and Venmo. (A MUST!)
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## **I want to hire but can't make ends meet? What to do?**

1. COVID-19 teaches value of part time and flex work force
2. Now is a buyer's market. People looking for work. Can hire PT.
3. Are you sure you need a human? Can use Smith.At for intake and reception, forms to automate intake, tech tools to schedule.
4. Many schools are not in session. Students are home and bored with time on their hands. Maybe law student market?
5. If you must hire, use creative salary strategies - e.g., Commission based salaries, minimal hourly rate plus percentage of contingency, etc...

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# New Practice Areas - COVID & Beyond

## Possible Practice Areas

1. Range of issues related to employment (discrimination, forced in person work, liability for COVID-spread), etc...Companies need guidance
  2. Insurance related issues, force majeure contractual breaches, bankruptcy and potential foreclosures,
  3. Cybersecurity issues from quick move to remote, data breaches (caused by people not prepared to go to cloud), end of life litigation, divorce and child custody matters (close living quarters, different salaries, delayed proceedings)
  4. Follow the money - help businesses apply for loans. Workers secure unemployment insurance. Look at CARE Act for opportunities.
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# Is COVID A Good Time to Venture Into a New Practice Area?

1. Absolutely. COVID shows that life isn't what you expected. If you don't chase your passion now, when will you do it?
  2. New world of constraints - travel constraints. Financial constraints. Constraints breed opportunity - <https://myshingle.com/2019/11/articles/marketing/make-money-mondays-embrace-constraints/>
  3. You may have time on your hands. Time will pass whether you spend it watching Netflix or learning something new.
  4. Opportunity to be an early adopter. A leader. Right now, it is hard to create a we grieve what is lost. But chance to experiment and grow.
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# Should I Start My Own Practice During COVID?

1. Yes, yes, yes. Firms revived in the despair of 9-11, out of the devastation of Katrina and aftermath of 9-11. YOU HAVE NOTHING TO LOSE!
  2. Can defer loans, potentially collect unemployment while getting a firm off the ground. Can get help from other lawyers who may have time on their hands.
  3. COVID may be last hurrah for older lawyers who don't want to retool and would rather just retire. Seek out partnerships and opportunities to work for and eventually take over an older lawyer's practice.
  4. Free resources at MyShingle.com - <https://myshingle.com/148-free-tools-to-start-and-grow-a-law-firm/>
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**Never lose hope. You will  
get through this.**

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