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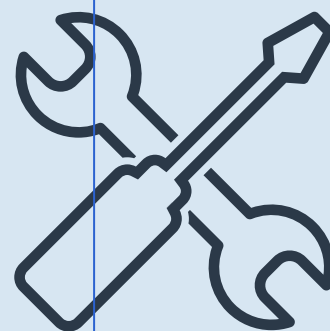


SOLO/SMALL FIRM TOOLKIT

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INTRODUCTION

Welcome to the BASF Solo and Small Firm Toolkit! The Toolkit was first published in 2013, and then revamped in 2025. The current edition, like the original, was prepared by solo and small firm attorneys for solo and small firm attorneys. It contains guidance, commentary, and suggestions about a wide range of practical considerations facing attorneys who are new to solo or small firm practice, whether as new attorneys or as experienced attorneys transitioning into a new practice environment.

The material in the Toolkit is intended as an overview of several key issues, and a jumping off point for further inquiry as needed. New and experienced solo and small firm attorneys can and should avail themselves of the many resources available for deeper background on these issues, such as the State Bar's [resources on law office management](#). Welcome, and we look forward to collaborating with you.

Warmly,

The Members of the Law Practice Management Subcommittee of the
BASF Solo and Small Firm Committee

BUSINESS STRUCTURES FOR ATTORNEYS

If you plan to practice law in California, there are three main vehicles through which you can operate your law practice, depending on whether you are operating solo or with equity partners.

If you are solo, you can operate as either a sole proprietorship or as a single-shareholder/single-director professional law corporation. If you have one or more partners, you can operate as a multi-shareholder/multi-director professional law corporation or a limited liability partnership. As highlighted below, attorneys cannot practice law in California through a limited liability company.

Below, we provide a general idea of the various filings/requirements/tax treatments that may apply to your chosen legal form. This information is not exhaustive or conclusive, and you are highly encouraged to engage legal counsel and tax advisors in connection with forming your law practice to understand the full extent of your obligations and required formalities.

Limited Liability Company

The limited liability company (LLC) legal form is not available to attorneys. California Corporations Code Section 17375 prohibits limited liability companies from rendering professional services, including legal services. Therefore, you cannot operate a law firm as an LLC in California.

Sole Proprietor

A solo practitioner can practice as a sole proprietor (SP), which is the simplest structure both from a formalities perspective and a tax perspective. This is because no separate legal entity is formed apart from you as the attorney. Attorneys may find the simplicity of an SP attractive if they do not have a large office staff or employees to worry about and do not want to worry about ongoing corporate filings or additional tax returns.

For income tax purposes, your income as an SP is reported on your individual income tax return (SPs are not required to obtain EINs by the IRS). California does not impose a business or entity-level tax on an SP.

The downside to the SP structure, however, is that it does not provide the SP with any corporate liability shield because there is no entity apart from the individual. As an SP, there is no liability protection, and thus, you are personally responsible for claims arising from your business, and your personal assets are at risk.

In this case, insurance is your best friend. You are encouraged to ensure you have good liability coverage for your premises (if any) to cover “slip and fall” claims, and professional liability insurance for claims arising from your practice. Umbrella insurance is also a good idea; it provides broad coverage for personal liability claims.

Professional Law Corporation

Whether you are operating solo or with equity partners, another available option is a California professional law corporation. In this case, the attorney(s) create a separate legal entity by registering as a professional law corporation (PC) with the State of California. If you are operating alone, then you would form the PC as a single shareholder (i.e., owner) – single director (i.e., management) entity, whereas if you have equity partners, then you would form the PC as a multi-shareholder – multi-director entity.

PCs are treated differently than SPs for tax purposes and provide greater protection from liability, albeit not absolute protection. By forming a separate legal entity and maintaining the proper corporate formalities, attorneys in PCs enjoy a limited liability shield, which can protect the personal assets of the practice owner(s) from certain claims. Notably, the PC does NOT provide a liability shield for malpractice or actions that the individual attorney personally takes, so if you are a single-shareholder/single-director PC and performing most tasks personally, the PC provides little liability protection. It may protect against “slip and fall” claims, but not if you were responsible for the premises.

The PC also carries with it more corporate formalities and tax obligations/filings. For tax purposes, there is an entity-level tax for PCs at the state and federal level, though the shareholder(s) may elect to be taxed as an S-Corporation, in which case the PC will be taxed as a partnership (i.e., a passthrough entity) for federal income tax purposes, much like an LLP. Additional information is available [here](#). Whether to make the S-Corporation election depends on the circumstances and should be discussed with your tax advisors.

Regardless of the S-Corporation election, California will still impose a flat tax on the net income of PCs that have elected to be taxed as S-Corporations. In addition, like all California-registered entities, PCs must also pay the \$800 minimum franchise tax to the California Franchise Tax Board. Additional information is available [here](#).

Finally, the State Bar of California also imposes fees and filing requirements on PCs. Additional information is available [here](#).

Limited Liability Partnership

If you have one or more equity partners, you may also operate as a limited liability partnership (LLP). The LLP allows partners to limit their vicarious liability for their partners' and employees' acts, provided that the LLP is registered and maintained in accordance with applicable statutes and the regulations of the State Bar of California. As with PCs, LLPs do not protect you (or your personal assets) from claims arising from your own actions, or from errors or omissions in your legal practice. Again, professional liability insurance provides protection in the event of a claim arising from your legal practice, and umbrella insurance provides protection for other personal liability claims.

For tax purposes, LLPs are taxed as partnerships, which means business income flows through to the partners and is taxed on their personal income tax returns. There is no federal income tax at the entity level. Likewise, there is no entity-level income tax in California for LLPs, however LLPs must pay the \$800 annual minimum franchise tax. Additional information is available [here](#).

In addition, the State Bar imposes fees and requirements on LLPs. Additional information is available [here](#).

BANKING

To start and maintain a solo attorney or small firm practice, opening one or more bank accounts will be necessary. At a minimum, an operating account will be needed for business functions, including receiving client payments and disbursing funds for various expenses. In addition, any attorneys handling client funds (such as settlement proceeds) will need one or more trust accounts (CTA and/or IOLTA). Also, a business credit card will be a practical necessity for expenses such as online payments, meals, and other items. It may be convenient to open these various accounts at the same bank. Finally, with the proliferation of online payment services, thought should be given to using such services to facilitate client payments or other transactions.

Operating Account

As noted, an operating account for business purposes is essential. A basic business checking account should suffice, but it will be helpful to find an account that has various desirable features.

For example, the bank should have one or more branches in a convenient location, especially for attorneys who anticipate needing to transact bank business in person.

Mobile and online account access is also helpful, if not essential. Such access may allow for monitoring balances, seeing if checks have been deposited, making online payments, and depositing checks. A related feature to consider is whether online access and/or account data can be shared as needed, such as with law partners, accountants, and/or bookkeepers.

The fees associated with the account should also be considered. In addition to any monthly fees, usage fees can add up quickly. For example, some banks charge fees to receive wire transfers. If any of the attorney's clients pay by wire, it may be useful to find a bank that does not charge such fees.

CTA / IOLTA Accounts

As California attorneys know, funds held for clients must never be commingled with the attorney's funds. Thus, any attorney who anticipates holding client funds must open one or more trust accounts. Assuming the client's funds are small and will be held for short periods of time, an Interest on Lawyers' Trust Accounts (IOLTA) account will be appropriate. The bank must be an IOLTA-eligible institution approved by the State Bar – the State Bar maintains a [list of such institutions](#) on its website. Otherwise, if the client funds are large or will be held for a long period of time, then a client-specific Client Trust Account (CTA) will be needed. The State Bar's website has important guidance on such

accounts, including references relating to rules governing the registration, reporting, and management of IOLTA accounts. For further information, see the [Bookkeeping and Accounting](#) section of this Toolkit.

Beyond the minimum requirements (e.g., State Bar eligibility), it will be helpful to talk with other practitioners about their experiences with various banks regarding IOLTA accounts. Some banks have more experience than others and may be more efficient and convenient when it comes to opening, using, and monitoring the IOLTA account.

Credit Cards

A business credit card account is also important. Some payments, such as those for various online services, can only be made with a credit card. In addition, a credit card is a convenient way to pay most business expenses and will facilitate bookkeeping. When determining which card to select, consider features such as cash-back rewards. Also, it is important to ensure that online and/or mobile account access includes any desired functionality.

Online Payment Services

With several online payment services available, many attorneys will encounter clients who prefer to pay invoices through such services. It may also be convenient to use such services to pay various expenses. While these services may offer convenience, it is important to remember that using such services may require additional coordination regarding bookkeeping and accounting.



BOOKKEEPING AND ACCOUNTING

For lawyers new to practice or new to the solo and small firm world, opening a law practice may be the first time they have needed to be directly responsible for implementing and maintaining the bookkeeping and accounting functions that are essential to the practice. Fortunately, there are ample resources and professionals available to support these efforts. That said, attorneys need to understand certain bookkeeping and accounting functions in order to maintain oversight of the business and ensure proper handling of any client funds held in trust.

General Bookkeeping

Most small law firms do bookkeeping with software such as QuickBooks or Xero. Such software, which typically can tie in electronically to bank account data, allows for tracking income and expenses and paying expenses. It is also how key financial reports are created, including a general ledger (reporting all income and expense transactions), profit and loss statements (summarizing and categorizing income and expenses), and balance sheets (providing a snapshot of assets, liabilities, and equity). Each deposit and payment is logged into the bookkeeping software. The attorney and bookkeeper (who may or may not be a CPA and often will be an outsourced professional) will decide how to set up things like expense categories that can be used for tax purposes. Accordingly, it is important to coordinate the bookkeeping functions with whomever will be handling the firm's taxes. In fact, some firms will retain a CPA to handle both bookkeeping and taxes to make this process more efficient.

As noted, bookkeeping can be outsourced to a professional, which is often good practice and frees the attorney to handle legal work. That said, the attorney may choose to handle bookkeeping directly or delegate it to an employee. If it is delegated to an employee, it is important to have a different person reconcile the accounts than the person entering the income and expense information and paying invoices. Either way, the attorney, as the owner, is responsible for monitoring bank activity and ensuring it is accurate. And no matter who is handling the bookkeeping and accounting, it is imperative that they understand law firm trust accounting (discussed below).

IOLTA / CTA Accounting

Attorneys in a wide array of practices often have occasion to hold client funds in trust, which must be carefully tracked and kept separate from the attorney's own funds. Several provisions of the Rules of Professional Conduct and the Business and Professions Code regulate trust accounts. It is imperative to understand the rules and be sure that client

funds are being handled correctly. Indeed, mishandling client trust money is a key reason attorneys are disciplined.

The State Bar's website has many resources for managing client funds. A good starting point is the overview page located [here](#).

As discussed in the State Bar's guidance, trust accounts fall into two categories: a Client Trust Account (CTA), and an account that is part of an Interest on Lawyers' Trust Accounts (IOLTA) program. A CTA is for holding the funds of a single client where the amount is large or the funds will be held for a long time. Otherwise, where the attorney needs to hold small amounts for short periods of time, the funds of several clients can be held in a single IOLTA account. In setting up these accounts, the bank must be familiar with attorney trust accounts. For further information, see the [Banking](#) section of this Toolkit.

In setting up CTA and IOLTA accounts, attorneys need to be familiar with the applicable rules and have an understanding of trust accounting. Following are some major points to keep in mind:

- An attorney's own funds cannot be commingled with client funds.
- An attorney cannot withdraw money from a trust account to pay the attorney's fees if the money is not yet earned.
- Trust accounts must be reconciled regularly to ensure there is agreement among all three of the following: (a) the bank records, (b) the bookkeeping records, and (c) the billing/timekeeping records. Relatedly, such reconciliations must ensure accuracy not only account by account but also client by client.

As a practice tip, in selecting a potential bookkeeper, attorneys should ask how they handle reconciliations with trust accounts; if the bookkeeper cannot answer that quickly and correctly, it is time to find another bookkeeper.

These are just a few things to keep in mind. Attorneys, of course, should consult with the appropriate professionals to establish and maintain practices and protocols to ensure compliance with their various bookkeeping, accounting, and tax obligations.

TECHNOLOGY ISSUES: DEVICES AND SOFTWARE

The practice of law, particularly for solo and small firm lawyers, has evolved significantly with the advent of paperless law practices, electronic filing, a host of legal service solutions, and other technological advances. This section will outline several issues to consider regarding computer hardware, software, and cloud-based solutions. Effectively leveraging these tools can lead to enhanced efficiency, security, and overall capability.

Devices

Computers: Most firms use laptop computers nowadays, especially as remote work becomes more prevalent. Choose devices with sufficient processing power and memory to effectively handle legal software, video conferencing, and documents. Investing in fast computer equipment will yield significant rewards in terms of time savings.

Smart Phones: Your smartphone can be configured to integrate with a wide range of other technology tools, including your work email and numerous legal service providers and cloud solutions (many of which have their own apps). Care must be taken to ensure security for both the device and your network. Consider using a smartphone that is separate from your personal smartphone.

Printers and Scanners: Although electronic filing and transmission of documents are becoming more common, a law firm will still need high-quality printers and scanners to handle printing, copying, and scanning. Look for devices with fast printing speeds, duplex (double-sided) capabilities, automatic document feeding, and scanning features that can create searchable PDFs.

Networking Equipment: If your firm maintains a physical office, you will likely need a reliable network infrastructure that includes routers, switches, and Wi-Fi access points. This will enable seamless communication and file sharing among employees and clients. If you work from a home office, ensure that your connection is sufficient to support video conferencing and other needs, and consider setting up a network that is completely separate from that used by others at your home.

Servers or Cloud Storage: Decide whether to set up an on-premises server or utilize cloud storage services. Servers can provide enhanced control and security, while cloud storage offers flexibility, redundancy, and accessibility.

Consult an IT professional to decide which option suits your firm's needs.

Voice over IP (VoIP) Phones: VoIP phones operate over the internet, allowing for cost-effective long-distance calls, voicemail, call forwarding, and other useful features. They can be used both in your firm's office and remotely.

Video Conferencing Equipment: With the rise of remote work and virtual meetings, video conferencing equipment like webcams, microphones, and speakers is a requirement to facilitate communication with clients, colleagues, and remote court proceedings. Consider investing in separate cameras and microphones, which provide higher quality than built-in devices on your laptop.

Backup and Recovery Solutions: Implement reliable backup and recovery solutions to safeguard your firm's data. Regularly back up important files and documents, both on-site and off-site, to mitigate the risk of data loss.

Software

Practice Management Software: Practice management software helps streamline administrative tasks such as client and matter management, document management, time tracking, billing, and invoicing. It centralizes crucial information, improves organization, and enhances productivity. Several options are available, including cloud-based providers.

Calendar and Docketing Software: If you have a litigation practice, software that can calculate and track deadlines is crucial to ensure that important deadlines are calendared. This functionality is sometimes bundled with other solutions (e.g., certain practice management providers), or it is available independently.

Document Management Software: Document management software allows efficient storage, organization, retrieval, and collaboration on legal documents, whether your team is based in the office or works remotely. Look for software that includes version control, document search functionality, and secure access controls to protect sensitive information.

Legal Research Platforms: Legal research services provide access to vast databases of legal resources, including case law, statutes, regulations, legal journals, and secondary sources. While they can be expensive, these platforms are almost a requirement for many practice areas. Although Westlaw and LexisNexis are the two most widely used platforms, more competitors have entered the market. Make sure to shop around for the service that best fits your practice and budget.

For further information, see the [Legal Research](#) section of this Toolkit.

Time and Billing Software: Time and billing software automates the process of tracking billable hours, generating invoices, and managing client billing. It ensures accurate timekeeping, expense tracking, and timely invoicing, streamlining the firm's financial operations. If you use practice management software, you'll want to make sure that time tracking and billing software can be integrated (or are included).

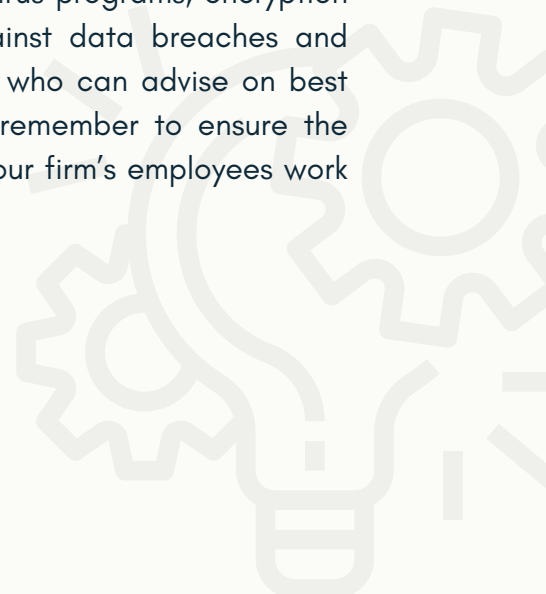
Document Automation Software: Document automation software simplifies the creation of legal documents by automating repetitive tasks. It allows lawyers to generate standardized legal forms, contracts, and agreements more efficiently, reducing errors and saving time.

E-Discovery Software: E-discovery software assists in managing large volumes of electronically stored information (ESI) during the discovery phase of litigation. It helps search, review, and organize documents, identify relevant information, and ensure legal compliance. Most firms nowadays use cloud-based services for e-discovery.

Bookkeeping and Accounting Software: Bookkeeping and accounting software streamline financial management tasks such as tracking expenses, managing trust accounts, generating financial reports, legal billing, and monitoring profitability. It ensures accurate accounting practices and compliance with accounting standards.

Virtual Meeting Services: Given the rise of remote work and virtual meetings, depositions, and court appearances, software tools like video conferencing platforms (e.g., Zoom, Microsoft Teams), are crucial for a modern-day office.

Security and Data Protection Software: Law firms handle sensitive client information, so implementing cybersecurity software, such as firewalls, antivirus programs, encryption tools, and data backup solutions, is essential to protect against data breaches and ensure data security. Consider working with an IT professional who can advise on best practices and help maintain and update the software. Also, remember to ensure the security of your firm's laptop computers, especially if you and your firm's employees work outside of the office.



INSURANCE

Lawyers' Professional Liability (LPL) Insurance

Almost every attorney, even those just starting, will want to consider carrying a lawyers' professional liability (LPL) insurance policy, which covers claims for professional negligence and errors or omissions that occur during the course of their legal practice. The specific coverage provided by an LPL policy may vary depending on the insurer and the policy terms, but typically includes the following:

- Claims arising out of legal services: This coverage applies to claims arising from the provision of legal services, including claims of negligence, errors, omissions, and breach of fiduciary duty.
- Legal defense costs: This coverage provides payment for legal fees, court costs, and other expenses associated with defending against a malpractice claim.
- Cyber liability: This coverage may be included in some policies and provides protection against claims arising from data breaches or other cyber-related incidents.

It's important for lawyers to carefully review their LPL policy and understand what is covered and any applicable exclusions or limitations.

Although LPL insurance is not mandatory in California, most lawyers should consider carrying LPL insurance. This is because lawyers can face various risks and potential liabilities in their practice, including claims of negligence, breach of fiduciary duty, misrepresentation, and conflicts of interest. LPL insurance can help protect lawyers from the financial consequences of such claims, which can be significant and even ruinous. It can also provide peace of mind to clients who want to know that their lawyer has taken steps to protect them in case of a mistake or error. Lawyers who do not carry malpractice insurance are required under Rule 1.4.2 of the Rules of Professional Conduct to inform clients that they do not carry LPL insurance unless the engagement will not exceed four hours.

When shopping for LPL policies, a good place to start is with BASF or other local bar associations. These associations often have partnerships with insurance brokers who can work with small firms to provide options that make the most sense for their practices. The cost of an LPL policy will vary depending on your areas of practice. Generally speaking, the longer your firm has been in business, the higher the premium due to the longer "tail" of potential claims that your firm might face.

Employment Practices Liability Insurance (EPLI)

Employment Practices Liability Insurance (EPLI) covers claims made by employees against their employers for discrimination, harassment, wrongful termination, or other employment-related issues (but often excludes claims for Labor Code violations). Law firms are not required to carry EPLI, but it can be a good idea.

California has some of the most employee-friendly laws in the country, and law firms, like any other businesses, are potentially vulnerable to employment-related claims. These claims can be expensive to defend, and even if the firm is not found liable, the cost of defending the claim can be significant. EPLI can provide coverage for legal fees and damages awarded in such claims, which can help protect the firm's financial stability.

Commercial General Liability (CGL) Insurance and Business Personal Property

Lawyers, especially those who maintain a physical office, should consider carrying commercial general liability (CGL) insurance. While malpractice insurance provides coverage for claims arising from professional services, CGL insurance provides broader coverage for other types of claims and risks that a law firm may face.

CGL insurance typically covers claims of bodily injury, property damage, and personal injury that occur on the law firm's premises or as a result of its operations. This can include slip-and-fall accidents, property damage caused by the law firm's employees or contractors, and other types of accidents or injuries.

CGL insurance can also cover claims for advertising injuries, such as libel, slander, and copyright infringement. This can be important for law firms that engage in advertising and marketing activities as part of their business operations.

While CGL insurance is not required by law, it can protect law firms against various potential liabilities and risks. For small businesses, CGL coverage is often included as part of a "package policy" that also includes first-party coverage for loss of or damage to business personal property (such as computers, office furniture, etc.).

Commercial Auto Insurance

Solo and small firm attorneys should also evaluate whether work-related travel is necessary and whether their current business or personal insurance covers potential incidents involving firm-related travel.

Health Insurance

There are several options for health insurance for small law firms in California:

- **Covered California Small Business (CCSB):** Covered California offers a marketplace for small businesses (with 1 to 100 employees) to purchase health insurance plans for their employees. The marketplace allows employers to compare and choose plans from multiple carriers and offers potential tax credits to qualifying businesses.
- **Private Health Insurance:** Small law firms can also purchase health insurance plans directly from insurance carriers or through brokers. It's important to compare plans and carriers to find the best options for your firm's needs.
- **Professional Employer Organizations (PEOs):** PEOs provide small businesses with human resources and administrative services, including health insurance benefits. Small law firms can access various benefits and services by partnering with a PEO, including health insurance, payroll processing, and employee benefits administration.
- **Health Reimbursement Arrangements (HRAs):** HRAs are employer-funded accounts that reimburse employees for eligible medical expenses. Small law firms can set up HRAs to provide tax-free funds to their employees for health insurance premiums and other medical expenses.

It's important for small law firms to carefully evaluate their health insurance options and consider factors such as cost, coverage, and network providers to find the best plans for their owners and employees. You'll want to work with a licensed insurance agent or broker who can help you navigate the options and make an informed decision.

Workers' Compensation

In California, employers are generally required by law to carry workers' compensation insurance if they have one or more employees. This is true regardless of the type of work the employees are performing. Even if a small law firm does not have physical labor or hazardous work, injuries and illnesses can still occur in the workplace, such as slip-and-fall accidents, repetitive stress injuries, and exposure to harmful substances. Workers' compensation insurance provides benefits to employees who are injured or become ill due to their employment, regardless of who was at fault for the injury or illness. This can include medical treatment, disability benefits, and vocational rehabilitation.

Failing to have workers' compensation coverage is a criminal offense, punishable by a fine of up to \$10,000, imprisonment in the county jail for up to one year, or both. Additionally, the state issues penalties of up to \$100,000 against illegally uninsured employers. Without workers' compensation insurance, a small law firm could also be liable for medical expenses, lost wages, and other damages related to a workplace injury or illness, in addition to any applicable penalties.

OFFICE SPACE

One of the most impactful decisions that a solo attorney or small firm must make is what to do for office space. Numerous options are available, each with several pros and cons. Following is a discussion of a few key considerations in selecting an office space arrangement, followed by a comparison of four common options: (1) working from home, (2) virtual office, (3) sublease, and (4) direct lease.

Key Considerations for Office Space

There are several issues to consider in determining what office space arrangement will be the best fit.

Physical Office or Not: If the attorney intends to meet with clients or needs space for colleagues and support personnel to work in one location, then a dedicated physical office, such as a lease or sublease, may be necessary. Alternatively, if the attorney does not meet regularly with clients and can operate remotely, then a virtual office or working from home may be good options.

Location: Location becomes a key concern if the attorney intends to have a physical office. A downtown office, while expensive, provides proximity to other professional service firms, transit, and similar amenities. But if the attorney's clients are clustered in a particular area, such as a suburban business center, then there may be a benefit to setting up shop in that area to facilitate greater client contact and business development opportunities. Otherwise, a neighborhood office may be appropriate if the attorney simply needs a place to work day in and day out.

Amenities: Subleased office space and most virtual office options offer a wide range of amenities, including high-speed internet, receptionist services, mail handling, and conference room options.

Confidentiality and Security: Given the importance of maintaining client confidentiality, it is essential to consider this when selecting office space. Attorneys should ensure that physical files, electronic media, and data are secure and confidential. Specific issues to consider would include an office that is physically secure with controlled access, file drawers and cabinets that lock, appropriate personnel handling mail and other materials, and privacy for meetings, calls, and videoconferences. These concerns are heightened in a shared office environment, and ethical guidance should be consulted, such as this [Formal Opinion](#).

Cost: As with many facets of starting and maintaining a solo or small firm practice, cost is always an issue. Cost can be a major driver of decision-making regarding office space. Working from home typically entails very little cost, whereas a direct lease for downtown office space can be one of the largest expenses for an attorney or firm, right up there with personnel costs.

Flexibility: One major benefit of being a solo or small firm attorney is flexibility. This flexibility can extend to when and where to work, what clients to represent, what kinds of matters to handle, and so on. Flexibility can also be an important consideration regarding office space. Working from home plainly offers flexibility, as do many virtual office options. Leases and subleases, on the other hand, often involve significant long-term commitments.

Pros and Cons of Four Main Office Space Options

With the above considerations in mind, let's compare the four main options for office space.

Working from Home

This is a natural choice for many new solo attorneys, given that it is immediately available and essentially comes at no cost. Setting up a home office, however, may be a bit more involved than it seems. Ideally the attorney will have a separate room (either an existing office, guest bedroom, or something similar) that allows for privacy and minimal distraction from housemates, pets, and neighbors. A door with a lock is also beneficial to maintain security and confidentiality of client files. Beyond that, as long as the space is outfitted with a desk or table, room for files and other materials, and sufficient power and internet connectivity, the attorney should be off to the races.

One issue with a home office is the address to use for professional purposes. Using the home address compromises privacy and may not convey an image of professionalism. Of course, there are solutions, including a post office box, private mailbox, and mail handling service at a virtual office provider.

Another limitation might be a sense of isolation from peers. However, this can be mitigated through business development engagements, networking events, client meetings, court appearances, and other similar activities.

Finally, one lesser-known benefit of a home office is the potential availability of the home office tax deduction. Attorneys should consult their tax advisors for further information.

Virtual Office

For many solo and small firm attorneys, a virtual office offers just the right balance: a professional office (with various service amenities) without the expense and long-term commitment of a lease or sublease. Many virtual office providers will offer a range of options for physical office space, including monthly, daily, or hourly bookings and a range of sizes (i.e., one desk or multiple desks). Common amenities include mail handling (e.g., holding for pick up, scanning to the attorney, or forwarding to a home address), receptionist service, telephone and internet service, conference room rental, and a kitchen.

In selecting a virtual office provider, the attorney should proceed carefully, with an eye toward a location that has been in one place and will remain there for a long time. If the provider decides to close a particular location, that can result in significant inconvenience for the attorney in terms of changing addresses with clients, opposing counsel, vendors, and other contacts, as well as courts, not to mention needing new business cards and an update to the attorney's or firm's website. The attorney should also seek out a provider with experienced staff who understand the importance of accurate mail handling, confidentiality, and similar issues.

One additional tip, at the risk of stating the obvious, is to read the contract carefully before signing up with a virtual office provider. It is important to understand pricing, what services are included, the duration of the agreement (including any automatic renewal provisions), and the consequences of terminating early if necessary.

Sublease

A sublease has the benefit of a stable, private space, which can be a subset of a larger suite or the entire premises. If the sublease is part of a larger suite, e.g., one or more offices subleased from a law firm or other business with a larger master lease, there may be additional benefits such as shared conference rooms and a kitchen, as well as shared support services such as a receptionist, mail service, and internet. While these amenities can be convenient, care must be taken to protect confidentiality, particularly with respect to mail handling, receptionist services, and shared internet services.

In pursuing a sublease, great care must be taken to understand the terms of both the sublease and the master lease, as well as the master tenant's intentions with respect to maintaining the master lease: if the master lease expires (or terminates for other reasons), the subleasing attorney will have little or no ability to maintain the sublease. Finally, as with a direct lease (discussed below), attorneys and firms entering into a sublease must pay close attention to the sublease terms with respect to the rent, duration, security deposit, personal guaranty requirements, consequences of early termination, and other terms.

Direct Lease

A direct lease is generally the most stable option (except perhaps purchasing an office building, which is outside the scope of this discussion) and typically the most involved.

An office lease is usually a long-term commitment, often ranging from 2-3 years on the short end to 5 or more years on the long end. It may also be possible to obtain one or more options to renew and thereby have the flexibility to extend the lease. Indeed, there is a wide range of negotiable terms, and consulting with a leasing attorney is frequently a wise investment. Some of the negotiable terms are obvious, but others are less so.

For example, the monthly rent may be negotiable, but it is important to read the fine print. It is important to know whether the rent increases each year (and if so, at what rate), and whether the lease is “triple net” or “NNN” (meaning property taxes, insurance, maintenance, and other expenses are passed through to the tenant on top of the monthly rent). Drilling down further, the attorney should consider whether any property tax pass-through will be affected if the building changes ownership causing a reassessment of taxes (which may be significant if the current owner has owned the property for many years or decades).

Other considerations will include the nature and amount of the security deposit, which is typically a cash deposit or a letter of credit. The landlord may also request a personal guaranty from the attorney or law firm partners. It is also important to understand whether subleasing all or part of the premises is allowable. Often, a lease prohibits subleasing without the landlord’s consent (but also states that the landlord’s consent shall not be unreasonably withheld).

Finally, it is crucial to understand that an office lease is a serious commitment with no easy “out” should the attorney or small firm wish to pull up stakes. In such a situation, depending on market conditions, the landlord may be unwilling to agree to an early lease termination, meaning that the tenant will need to stay in place, sublease, or face the consequences of breach (which can be severe and should not be done without consulting a landlord-tenant attorney).

In sum, solo attorneys and small firms have various options available, each with pros and cons. It will be well worth the time to consider these pros and cons carefully when selecting the best office environment.

OFFICE ORGANIZATION

Office organization is important to start immediately upon planning to open a firm.

Computer and Data Management

Many solo and small firm practitioners run their offices in a paperless environment or nearly so. In such circumstances, it is a good policy to indicate in a client engagement letter that the firm will not be keeping paper files.

Numerous software options and online services exist to cover functions as document generation and management, contact management, calendaring, practice management, timekeeping, billing, bookkeeping, human resources management, and so on. These resources can afford significant benefits in terms of efficiency and effectiveness.

In creating a paperless office, solo and small firm attorneys will want to take care to ensure that they are familiar with the services they are using (which may include hiring or outsourcing support as needed), that services are reliable, and that data is secure as to loss avoidance and confidentiality.

Electronic documents must, of course, be well organized for a paperless office (and even for offices that are not primarily paperless). It is good practice to organize matter-related documents by client and matter using a consistent and well-labeled folder structure.

Paper File Management

Many law offices, including those that are mostly paperless, will have some amount of paper to handle. This can include administrative materials such as partnership agreements and other entity formation documents, leases, banking records, tax records, and the like. This can also include matter-related materials such as contracts, attorney notes, and trial materials.

All such materials should be organized so that they can be located quickly and accurately, even after a long period of time. This typically entails clearly labeled and/or indexed files, folders, binders, and/or boxes, all of which must be stored safely and securely. Some law offices may also choose to convert such materials into electronic form.

Document and Data Retention

For both electronic data and paper files, attorneys must consider how long they must retain the materials.

A number of considerations may be involved, such as statutory retention requirements, court rules, ethical requirements, and the attorney's agreement with the client. Relatedly, attorneys should carefully consider how they handle important originals, such as estate planning documents, real property documents, and other materials. Some attorneys choose to return originals to clients whenever possible and practicable and just keep a paper or electronic copy for use in a given client matter.

Operations Manual

An operations manual is one of the most valuable yet underutilized tools in law firms. This document provides guidance on how tasks are carried out, ensuring the firm delivers consistent services to clients. When a firm has been operating for years without written processes, creating an operations manual becomes challenging and time-consuming, making it ideal to develop a manual at the firm's inception or shortly thereafter. Additionally, when bringing on new firm members or outsourcing tasks, having well-documented information is crucial.

An operations manual can be as simple as writing numerical lists of the steps in a process and then putting them all together in one place, such as a binder or electronic document storage system. It should, of course, be in a secure location.

The operations manual can include some or all of the following, among other things:

- Computer hardware and software inventory, with passwords.
- Vendor login and password information.
- Internal contact lists such as bar numbers and cell phone numbers for employees.
- Instructions for administrative functions:
 - Conflict checks
 - Intake
 - Mail processing
 - Vendor bill processing
 - Time entry
 - Client billing
- Forms and document templates and samples:
 - Engagement letters
 - Intake questionnaires
 - Letter template
 - Sample of completed client document if applicable, such as estate plan
 - Pleading templates
 - Brief banks

EMPLOYMENT & HUMAN RESOURCES

Congratulations! If you're reading this section with interest, it means you've grown big enough to consider hiring someone to assist you with your law practice or already have employees. You may already have an associate or legal assistant or be considering hiring one, or you may be looking to include a virtual or remote assistant to help with intake and administrative tasks.

If you're in this position, consult an employment lawyer. You've likely spent years honing and developing a legal specialization that your business is built on, and you should seek out an attorney who has done the same with their employment law practice. There are many folks in BASF's Solo and Small Firm Section who do just this, and most of them would give you a few minutes of their time to issue spot.

Unsurprisingly, California has a host of employment laws to protect employees, which in turn can mean that hiring, training, retaining, and, in some circumstances, terminating the employment of employees can involve ever-evolving laws, some of which may be unique to California. This section of the Toolkit is therefore in no way a substitute for the analysis and opinion of an employment lawyer. It is, however, meant to provide a roadmap of some issues you should consider in hiring employees or retaining vendors to help grow or run your practice.

Employees Versus Independent Contractors

One of California companies' biggest employment-related risks is the proper classification of employees and independent contractors. California law presumes nearly all workers are employees, and a company utilizing independent contractors will bear the burden of demonstrating they were properly classified as such by a governmental agency or the workers themselves. California currently applies the "ABC Test" to determine proper classification of independent contractors. This test contains three elements, all of which must be met in order for independent contractor classification to be appropriate.

For an example of a true independent contractor, it is helpful to imagine using a plumber to fix an office toilet. This person is hired to do a specific job that is not at all related to the business itself (unless it's a plumbing business), typically charges a flat fee for the job (and therefore will profit or suffer a loss solely based on their own skill or expertise), brings all of their own equipment, and is usually engaged for a specific task after which the transaction ends and the plumber leaves. This isn't the only example of a true

independent contractor relationship, but it's a good starting point for the analysis. As the relationship gets away from this (the "contractor" gets paid by the hour, the engagement becomes of an indefinite length, the task the worker does is actually part of the hiring company's core business), the argument for an employment relationship becomes stronger.

The risks of misclassification include a host of monetary penalties and other consequences.

Hourly Versus Salaried Workers

A second major area of risk in hiring workers is misclassifying employees as "exempt" when no exemption can be legally applied. California treats all workers by default as "nonexempt," meaning that they must track their time and are entitled to overtime and meal and rest periods. For an employee to be exempt from these things, the employer will bear the burden of demonstrating that an exemption applies.

There are several exemptions, but the three that apply most to law firm personnel would be the professional, administrative, and executive exemptions. For any of these to apply, the employer must demonstrate two tests are met: first, the employee must be primarily engaged (i.e., spend the majority of their time) performing certain duties that are specific to that exemption and, second, the employee must be paid a requisite minimum salary. The duties tests are highly fact-specific, while the minimum salary will equate to at least twice state minimum wage on a full-time, annualized basis (or the hourly state minimum wage x 2 x 40 x 52). Solo and small firm attorneys should pay close attention to the classification of paralegals, in particular, who may not fit into a recognized exemption.

The consequences of misclassification can be significant. Claims for unpaid overtime and missed meal and rest periods can go back up to four years and further give rise to liability under California's Private Attorneys General Act (PAGA). Consequently, employee pay exemptions should be carefully applied.

Paid and Unpaid Leave

Vacation is not required in California, but paid sick leave is. State law provides that all California employees must receive one hour of paid sick leave for every thirty hours worked. There are other ways to potentially satisfy this – such as paid time off (PTO, which can usually be used for either vacation or sick leave) or a lump-sum grant of paid sick leave – but all employers must ensure they satisfy the applicable paid sick leave requirement. Local ordinances may apply different rules, such as sick leave ordinances in San Francisco and elsewhere.

In addition, California provides for other forms of leave. For example, pregnant employees may be eligible for up to 17 1/3 weeks of unpaid but job-protected Pregnancy Disability Leave. Similarly, for employers with five or more employees, the California

Family Rights Act (CFRA) applies. CFRA grants employees up to twelve weeks of unpaid but job-protected leave for their or their family members' serious health condition or for the birth, adoption, or placement of a child. There are other forms of leave specific to California that employers should be aware of and be prepared to offer to employees if circumstances demonstrate an employee may be eligible. A comprehensive employee handbook (discussed further below) is a good way to ensure the employer has a central document that can be read and acknowledged by the employee and that outlines all forms of available leave.

Further, California has expanded certain protections and leave rights to employees of smaller companies in recent years. For example, CFRA used to apply only to companies with twenty-five or more employees, but a few years ago, it was revised to now apply to companies with five or more employees. Other forms of leave may apply to employees regardless of employer size.

Medical Leave

One of your employees starts to miss work sporadically. You think it may be an illness but you're not sure. Or alternatively, one of your employees comes to you abruptly one day with a doctor's note that will take them off work soon for a month. What do you do?

Medical leaves are complicated and nuanced, and can be a major area of risk to employers in California. As noted above, CFRA provides up to twelve weeks of job-protected leave for many employees, but even for employers too small to have to grant CFRA leave there can still be an obligation under California's Fair Employment and Housing Act (FEHA) to provide unpaid leave from work as a "reasonable accommodation." "If the employer reasonably suspects the employee has a disabling medical condition, then it is up to the employer to begin the "interactive process" to determine what, if any, work accommodations can be made for the employee. Failure to engage in this process presents standalone liability under FEHA. Unless the requested accommodations present an "undue burden," they must be granted by the employer.

Medical leaves of absence and the interactive process are particular areas where employment counsel should be consulted.

Job Postings

Hiring a new or your first employee is an exciting experience. But, perhaps unsurprisingly, California has rules that must be followed in putting together job applications and listing job postings. For example, since 2018 it has been illegal for California employers with five or more employees to ask about criminal history before making a job offer (and after that, certain appeal rights must attach if a conviction is disclosed and considered). As of 2023, all California employers are required to provide "pay scales" to job applicants and current employees upon request and maintain job title and wage history for each employee for three years after employment ends. Additional requirements apply to employers with

fifteen or more employees (such as including pay scale information in job postings). The above requirements may apply to employers even if they use recruiting agencies.

Employee Handbooks and Employment Agreements

Employee handbooks and written employment agreements are not required but are strongly recommended. A good employment agreement summarizes things like pay structure, time off, a written policy against discrimination, harassment, and retaliation, and job duties. An employee handbook provides a more comprehensive overview of company policies and summaries of leave entitlements and other laws that may apply to employees (which typically vary based on company size).

California requires employers to distribute a clear and easy-to-read anti-harassment policy to employees. This policy would typically be included in an employee handbook, but it may also be created as a standalone policy if no handbook exists.

Employee handbooks and employment agreements are recommended best practices for employers of all sizes. They satisfy some legal requirements regarding written policies and provide clear guidance on many aspects of employment.

Intellectual Property Agreements

You might not think of your firm as being the sort of business with a lot of IP to protect, but over the years you've probably built client lists and created model documents that you wouldn't want an employee taking with them to another firm or to start their own firm. As you're probably also aware, California has a strong (and growing stronger) prohibition against noncompete agreements, so you can't protect this information by limiting who your employees can work for (including current clients) in the future.

However, employers remain able to protect certain trade secrets via formal intellectual property agreements. These agreements can also be used to expressly notify employees that their work for your firm is work "for hire" (meaning the work product belongs to the firm) and to provide a potential fast track for injunctive relief if an employee takes client lists or proprietary information with them to another firm. Regardless of the type of company – including law firms – it's a good idea to have all employees execute an intellectual property agreement.

Remote Work

During the COVID-19 pandemic, remote work arrangements moved from the exception to the norm. This transition emphasized the growing need to address these arrangements through written policies. A good remote work policy should cover issues like safety, maintenance of equipment, and reimbursements, and further expressly emphasize that remote work is a privilege granted to employees – not a right. It may also emphasize that work duties, responsibilities, and compensation will remain the same and provide that the

employer retains the right to require the employee to attend in-person meetings. To the extent other policies are not in place to safeguard things like clients' confidential information, the policy should further address what steps the employee must undertake to ensure these protections are in place.

Employee Complaints

Workplace complaints can range from minor squabbling and personality conflicts to more serious communications about unlawful acts such as retaliation, harassment, discrimination, bullying, or workplace violence. Employers should have clear written policies about how complaints can be made. This should ideally include both a designated individual inside the organization to whom complaints can be made as well as a contact outside of the organization (such as outside counsel) to whom complaints can be made in instances where the designated internal person may be the alleged perpetrator of the subject conduct.

Investigating complaints can be complex and nuanced. Employers should consult employment counsel regarding whether and how to investigate complaints. All employee complaints should be taken seriously. Failure to investigate a good-faith complaint of illegal activity that ultimately turns out to be unfounded could nevertheless result in claims against an employer for retaliation, harassment, or discrimination.

Employment Practices Liability Insurance (EPLI)

Many employers have obtained employment practices liability insurance (EPLI) over the past several years. For further information, see the [Insurance](#) section of this Toolkit.

Payrolling Companies / HR Consultants

If you ask around, you'll find many if not all firms use payrolling companies. There are several well-known large ones, but there are also a growing number of smaller competing companies. As California has very specific requirements related to paystub information (found in Labor Code section 226) these companies can typically ensure employers are issuing Code-compliant paystubs at a minimum. The failure to include this can result in individual or collective liability under PAGA.

Most payrolling companies are good at providing Labor Code-compliant paystubs; however, some of them have expanded to offer HR consulting services. There are also standalone HR consulting companies. While these companies can provide cost-effective services, they may not handle more nuanced employment issues such as the interactive process associated with medical leaves/work restrictions, investigations of workplace complaints, and independent contractor classification questions. Further, to the extent you may rely on these vendors to provide form documents (such as employee handbooks and/or employment agreements, to name a few), or other HR services, having these reviewed by trusted employment counsel is a good idea.

BUSINESS DEVELOPMENT

Finding clients and developing new business can seem daunting for many lawyers opening a new practice. Here are some ideas for ways to start building your client base. We suggest exploring a wide range of activities to determine what makes the most sense for your area of practice.

Bar Associations: There is a wide array of bar associations that provide substantive programs, seminars, and other resources tailored to lawyers looking to develop their practice and build their network. These include bar associations based on geographic region, practice area, affinity, and other considerations. Examples include BASF, the Alameda County Bar Association, the California Lawyers Association, and the American Bar Association. Notably, many of these groups, especially the larger ones, have numerous sections focused on specific practice areas or other issues. Such sections offer extensive substantive programming and opportunities to become involved with leadership roles. Attorneys who participate actively in such groups tend to be good networkers and enthusiastic about assisting other attorneys, especially those new to solo or small firm practice.

Networking: Attend legal and non-legal networking events, such as conferences, seminars, and social events that are related to your areas of practice. These include events hosted by bar associations, industry groups, and alumni associations. Building relationships with other lawyers, professionals, and potential clients will eventually lead to referrals as well as other opportunities to promote and build your practice.

Legal Referral Services: Legal referral services, such as BASF's Lawyer Referral and Information Service (LRIS), can match you with pre-screened potential clients.

Online Presence: Creating and maintaining a professional website for your law firm is essential as it is often the first place potential clients or referral partners will look when considering whether to retain you or contact you about a potential matter. Make sure your website clearly states your areas of practice and expertise. You'll also want to provide examples (with client consent) of successful results you've been able to provide to your clients. Depending on your area of practice, you may want to optimize it for search engines (SEO) to improve its visibility.

Social Media: Platforms such as LinkedIn, X (Twitter), and Facebook can increase your visibility, allow you to connect with potential clients and referral partners, and promote recent successes or upcoming speaking engagements and publications. Be mindful of what you post, and try to keep your posts related to your legal practice.

Client Reviews and Testimonials: Encourage satisfied clients to leave reviews on platforms like Google, Yelp, or your website. Positive reviews can significantly impact your online reputation and generate inquiries from potential clients.

Email Marketing: Build an email list of past and potential clients. Send out regular newsletters with insights on topics of interest in your area of practice, updates on relevant legal developments, and information about your services.

Legal Directories: Listing your practice in online legal directories like Justia and FindLaw can help potential clients find you. These directories often allow you to provide detailed information about your practice areas.

Continuing Legal Education (CLE) Courses: Stay up-to-date with the latest legal developments by attending CLE courses. These events can also be opportunities for networking with other attorneys in your practice area. Look for opportunities to become a presenter at a CLE event to help build your reputation as an expert in your field.

Books and Courses: There are many books and online courses available on legal marketing and business development. Look for resources that cater specifically to solo or small firm lawyers. Some examples include:

- *Solo by Choice: How to Start Your Own Law Firm, and Be the Lawyer You Always Wanted to Be*, by Carolyn Elefant
- *How to Start & Build a Law Practice*, by Jay Foonberg

Consultants and Coaches: Consider hiring a legal marketing consultant or coach who specializes in helping lawyers grow their practices. These professionals can offer tailored advice and strategies.

Client Seminars and Workshops: Host informational seminars or workshops on relevant legal topics for potential clients. This can position you as an expert in your field and attract new clients.

Local Chambers of Commerce: Join your local chamber and attend their events to network with other businesses and potential clients in your area.

Business development takes time and consistent effort. Once you've identified activities to pursue and organizations you'd like to join, it helps to stay active. Seek out leadership, speaking, and writing opportunities within those organizations. Update your online presence to reflect your areas of practice and include recent success stories.

CLIENT INTAKE AND MANAGEMENT

Clients are an attorney's top priority. For ethics, good business sense, and practicality, the following are several thoughts to keep in mind when bringing on new clients and effectively managing the client relationship.

Client Screening

Depending on the nature of an attorney's practice, clients may find their way to the attorney through a number of different channels. Some attorneys and firms have consumer-facing practices that involve advertising to the public. Other attorneys have a business-to-business practice and connect with clients through referrals or proactive outreach. Regardless of the channel, it is good practice to consider how a client has reached the attorney or the firm.

For attorneys who interface with individuals responding to advertisements, some level of due diligence typically will be in order. This may also be true when individuals or businesses are referred to the attorney by a trusted referral source such as a friend, former colleague, or business contact.

Basic background research, such as online search inquiries or party name searches on courts' online dockets, sometimes can turn up red flags. For example, if an individual has been a party to numerous cases, or represented by a rotating cast of lawyers in and among the various cases, one might question why the client keeps changing counsel. Relatedly, if a client is already represented in the case at hand, but is looking to change counsel, that may be a red flag that needs to be vetted.

For entity clients, the secretary of state websites for California and the entity's state of formation may yield helpful clues, such as suspended registrations or unpaid taxes—more red flags. On this note, attorneys with a litigation practice should be aware of prohibitions against appearing in court on behalf of an entity with a suspended registration.

Conflict Checks

A key part of vetting a prospective client is conducting an appropriate conflict check. Attorneys must take care to avoid actual or imputed conflicts and should keep a list of current and former clients, adverse parties, prospective clients, interested parties, and other persons against whom prospective new clients, adverse parties, and other interested parties can be screened. The conflict check is a critical part of client intake and must be conducted at the outset of communicating with a prospective client. Indeed, attorneys should generally wait to receive more than the most basic information about a

matter until the conflict check is complete.

Fee Agreements

With narrow exception, attorney fee agreements generally must be in writing. (See, e.g., Bus. & Prof. Code §§ 6147–6148.)

The State Bar website maintains useful resources related to fee agreements, including [sample fee agreements](#), [optional clauses](#), and helpful [commentary](#). When preparing a fee agreement template for a law office or customizing that template for a particular client matter, several important issues must be considered. For example, it is essential to clearly and specifically define the scope of the engagement, set forth the fee terms, and include appropriate disclosure and consent language for any joint representations.

Attorney Fees

Attorneys must be familiar with the rules and statutes governing fees, whether a given engagement is based on hourly billing or contingency fees. For example, attorneys cannot charge unconscionable fees. Similarly, attorneys receiving advance fees or true retainers must be familiar with the difference between the two and their applicable restrictions.

One common question attorneys new to solo or small firm practice ask is: What is a reasonable hourly rate? A number of online surveys and other research can help answer this question, taking into account factors such as area of practice, years of experience, and geographical area. However, attorneys should avoid discussing or comparing rates with other practitioners in a way that could violate applicable antitrust laws.

File Closure

When a matter is concluded, it is good practice to document that fact with a client. This serves multiple purposes, including ensuring that there is a clear understanding that the attorney's work is concluded.

Fee Disputes

Perhaps the most important piece of practical insight to remember vis-à-vis fee disputes is that they should be avoided. Clear communication, competent performance of legal services, and effective management of the client relationship (including billing) will go a long way to minimizing the risk of a fee dispute. But they happen. In the event of a fee dispute, attorneys should think long and hard about whether the amount at issue is high enough to justify the costs in terms of time (i.e., lost productivity), stress, the risk of a malpractice claim, and potential reputational harm. In many situations, the best course may be to walk away and move on to the next thing.

If the attorney concludes that it is appropriate to pursue a fee dispute, however, attorneys must be mindful of applicable requirements, such as mandatory fee arbitration obligations, procedural issues (e.g., statute of limitations), and insurance reporting obligations.

LEGAL RESEARCH

There are myriad legal research options available to solo and small firm practitioners ranging from free online resources to robust subscription-based research tools, along with less obvious options such as law libraries and networking with experienced attorneys in a given practice area.

Paid and Free Legal Research Platforms

The choice of which legal research options are best for practitioners depends on various factors, such as a research platform's cost, ease of use, and other features that matter most to different practitioners.

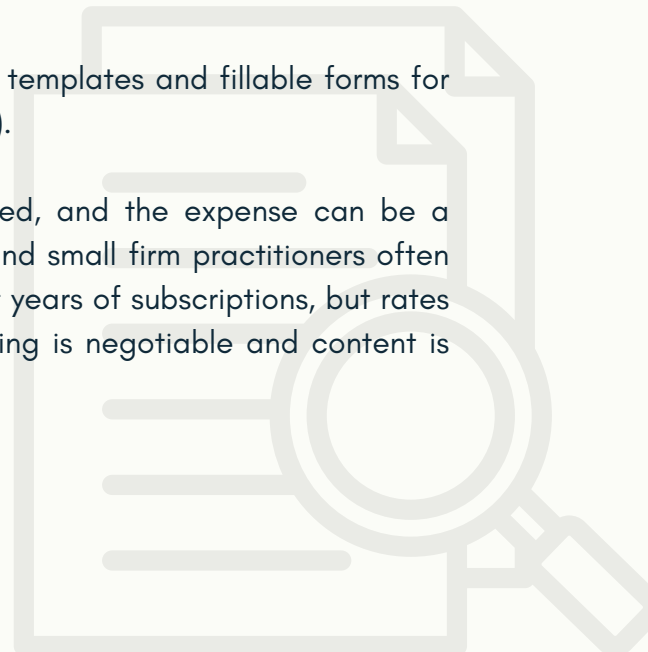
Based on a recent survey of BASF solo and small practitioners, most respondents use Westlaw and LexisNexis because of their ease of use, capability of researching cases and their subsequent treatment, breadth of content, and secondary resources that are relevant and practical in relation to practitioners' area of expertise.

For example, Westlaw users rely on the platform for access to Rutter Practice Guides, which offer comprehensive practice-specific secondary resources. Most notably, the Rutter Guides on Civil Procedure Before Trial, Federal Civil Trials and Evidence, Employment Litigation, Landlord-Tenant, and other topics are popular go-to legal resources for overviews and citations necessary for comprehensive research.

While Lexis has its own extensive set of practice-specific secondary resources, including the Matthew Bender treatises, BASF members have also found Lexis+AI Legal Assistant to be quite helpful.

Both Westlaw and Lexis platforms also provide practical templates and fillable forms for Judicial Council of California Civil Jury Instructions (CACI).

However, both Westlaw and Lexis are subscription-based, and the expense can be a challenge or barrier to using their platforms. New solo and small firm practitioners often can take advantage of discounted rates during their first years of subscriptions, but rates do increase. Practitioners should keep in mind that pricing is negotiable and content is customizable.



In addition to Westlaw and Lexis, many BASF solo and small firm practitioners also have found value in the following research solutions, many of which are low-cost or free:

- [Justia](#) for case law, codes, regulations, and other information.
- [FindLaw](#) for case law, codes, legal blogs and articles, and a lawyer directory.
- [Google Scholar](#) for case law, articles, theses, books, abstracts, and other materials.
- [Law360](#) for news and analysis on legal developments, including litigation filings, case settlements, verdicts, regulation, enforcement, legislation, and corporate deals.
- [Attorney's BriefCase](#) for family law drafting and other research tools.
- [Bloomberg Law](#) for current legal news and analysis, docket searches, and practical guidance, such as mergers and acquisitions checklists and employee handbook toolkits.
- [CEB OnLAW](#) for California-specific practice guides, forms, and continuing education resources, such as the Preparing for Trial Action Guide.
- [HeinOnline](#) for full-text journals, statutes, regulations, and legislative history.
- [Trellis](#) for state court materials, including dockets, pleadings, motions, and jury verdicts.

Also, the San Francisco Law Library (discussed further below) has a [Legal Links](#) page for free and low-cost research tools.

Law Firm Websites

Law firm websites can be a great source of free information. It is usually a simple matter to identify a handful of leading firms that practice in a given area of law and publish articles regularly. These range from boutique specialty shops to large, multi-national firms. Many law firms publish free client alerts, bulletins, blogs, and other thought pieces on their websites that are free. (At the risk of stating the obvious, these resources are useful for research but should not be copied or distributed without approval.)

Government Websites

Nearly every federal, state, and local government, agency, and department has a public website that can provide useful guidance, publications, statutes, codes, agency guidance, historic data, and the like.

Calendaring Solutions

Various platforms provide rules-based calendaring resources, including the following:

- [Clio](#)
- [Mycase](#)
- [Deadlines.com](#)

Practitioners should, of course, ensure that they understand how these services function, both in terms of deadline-triggering events and the generation of the resulting deadlines (i.e., the inputs and outputs).

Artificial Intelligence

Artificial intelligence (AI) search capabilities are undergoing explosive growth and will undoubtedly prove to be a valuable resource to practitioners over time. That said, attorneys should be aware of issues and limitations with such tools, such as “hallucinations,” fake legal citations, lack of confidentiality, and risks of copyright infringement.

Local Law Libraries

A number of law libraries in the area, such as the [San Francisco Law Library](#) (SFL), offer collections of hard copy and online materials. They also have helpful, highly trained staff who can assist with locating resources. These facilities also have conference rooms and other work spaces.

The SFL is a particularly valuable resource for local solo and small firm attorneys. The SFL offers free access to Westlaw, Lexis, Fastcase, and many other valuable legal resources. Practitioners can use [SFL subscriptions](#) by visiting the library and using their computers (free for up to two hours and additional time for a nominal charge) to download research materials as needed.

SFL also offers free remote access to an extensive secondary resource collection as part of its [LexisNexis Digital Library](#). This collection includes access to California Forms of Jury Instruction, California Forms of Pleading and Practice, and CACI Instructions, as well as Matthew Bender guides, Ballantine & Sterling California Corporation Law, Moore’s Federal Practice, and Nimmer on Copyright.

Additional resources include compilations of judicial profiles, jury verdicts, legislative history, and practice guides, all of which can be perused at the library.

In addition to the SFL, there are numerous additional law libraries in the Bay Area and beyond, such as the following:

- The [UC Law SF Law Library](#) in San Francisco
- The [Alameda County Law Library](#) in Oakland
- The [Santa Clara County Law Library](#) in San Jose
- The [Witkin California State Law Library](#) in Sacramento

The Council of California County Law Libraries contains an extensive list of law libraries [here](#). Hours and access can vary, so it is always a good idea to check for the latest information before visiting.

Bar Associations, Conferences, MCLE Presentations, and Networking

Numerous other substantive practice support resources, in addition to print and online ones, are available to solo and small firm practitioners.

Bar associations, whether based on geographical region or subject matter, often produce journals and other publications tailored to various areas of practice. Some, including the BASF Solo and Small Firm Section, also host active email listservs.

Such organizations also regularly hold conferences and MCLE seminars featuring experienced practitioners in a given field. In addition to the substantive programming at such events, there are ample opportunities to network with fellow attorneys in one's area of practice, affording solo and small firm attorneys the opportunity to discuss, brainstorm, and otherwise collaborate.

Examples of practice-oriented organizations include the following:

- BASF (numerous [sections](#))
- California Lawyers Associations (numerous [sections](#))
- Bankruptcy
 - [Bay Area Bankruptcy Forum](#)
 - [American Bankruptcy Institute](#)
- Environmental
 - [California Environmental Insider](#)
 - [Inside EPA](#)
 - [ChemCon Conferences](#)
 - [Prop65 Clearinghouse](#)
 - [American Chemistry Council](#)
- Labor and Employment
 - [Northern California Employment Round Table \(NCERT\)](#)
 - [California Employment Lawyers Association \(CELA\)](#)
 - [Association of Workplace Investigators \(AWI\)](#)
 - [Association of Title IX Administrators \(ATIXA\)](#)
- Litigation
 - [Association of Business Trial Lawyers \(ABTL\)](#)