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COMMENTARY

‘Everyday Hustle’: A Criminal Defense Attorney’s Tips for Running a Solo Practice

A Manhattan-based criminal defense attorney shares lessons on launching a solo practice during a turbulent time for New York courts.

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Law Firms - Small

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While they say it is never the right time to start a business, the spring of 2022 seemed as daunting and unpredictable as ever to do it. Only two years removed from the onset of the pandemic, courthouses were only just beginning to get back to true form and businesses across all industries were still trying to navigate the ever-changing guidance and safety measures pertaining to COVID-19 and vaccines.

This new landscape impacted the legal world in many ways, but one stands out among the rest which created a need in the market: the shift to Zoom culture. To be sure, countless lawyers in the New York area spend days and nights commuting to the office and to court. The widespread acceptance of virtual technology changed much of this, allowing the majority of lawyers to open a screen, click a button, and accomplish what they needed to in terms of both meeting with clients and appearing in court.

But lawyering, to me, has always been at its best when it is in person, face-to-face, human being to human being. This goes for meeting with clients, for interacting with judges and prosecutors, and certainly for relating to jurors. Despite navigating in unknown times, this shift to virtual appearances as the new norm created a need and a desire for lawyers willing to cut against the grain and go back to the “old school.” This meant visiting with clients in person and showing up in courthouses to try cases in front of juries, even if for a short time it meant being in a mask while doing so. To quote Sun Tzu: “In the midst of chaos, there is also opportunity.”

Drawing on this mantra and the state of the world, I decided to fulfill a goal and a dream I had since law school: to start my own trial practice. In 2022, I opened my doors with a basic website, a midtown address, a phone number and—in true criminal defense form—zero clients.

Drumming up new business is a difficult task, to say the least. It is one that requires a unique blend of long-term vision with short-term, everyday hustle. Taking inventory of the last two years, five lessons come to mind.

First, outwork the next person. Work ethic will always be the one requirement which simply can’t be skipped or sacrificed. Talent and connections mean nothing unless the physical hours are put in every single day.

Second, it takes luck. But I’ve learned that luck is truly when opportunity meets preparation. I was lucky to be retained on a few notable cases early on in my new practice. Yet, I realized that luck happened when I put myself into certain positions.

For example, one of those early cases, which is perhaps my most significant to date, originated from a prior client of mine who I represented pro bono on a retrial and who I kept in touch with. No one forced me to retry his case for free and I could have just as easily been relieved by the court. I also did not need to maintain a relationship with him after a successful verdict.

A year later, that client, by pure luck, happened to meet the family of a young man who was involved in a tragic, high-profile subway homicide, which I was then retained on through this connection.

Starting out, I also leaned on relationships. They say your network is your net worth, and it could not be more true—this formed my third lesson in building new business. These relationships were not established when I started my practice, rather they were put into place a decade ago while in law school. Keith Ferrazzi wrote in “Never Eat Alone,” one of my favorite books, that when it comes to relationships, “build it before you need it.” This has been a pillar for me throughout my life and it also intersects with the another important facet of “networking,” which is to build it without even the idea of needing it. Build it because you are genuinely curious in others and in helping others, before you need or want anything in return. I have found that the best relationships, whether it be professional or personal, are born out of trust, empathy and curiosity.

Whether it be a law school colleague, a lawyer in a different field, or a criminal justice advocate, connecting with others and connecting other people among each other has always been rewarding and satisfying to me. Undoubtedly, it also leads to more and more phone calls coming in.

Which leads to my fourth lesson: to build business, you must always answer the call. My life, from the moment I wake up to whenever I shut my eyes, is phone calls, texts and emails. Consistent with lesson No. 1, in the criminal defense world, you must always be available. Most of my clients are individuals with jobs and families to tend to during the week and weeknights. This, in turn, means that we must answer the call on Saturdays, Sundays, or at 2 a.m. on a random Wednesday. We must answer the call when we do not feel like it.

Drawing back on an important and high-profile case, a call had come in from an unknown number after a particularly long day in court. In fact, at first, I did not follow my own advice, letting the call go to voicemail two times. Finally, on the third try, I answered, and within two minutes realized how incredible of an opportunity this specific matter was about to be.

My fifth lesson: emphasis on building business may create a strain on another area that is, in reality, the most critical—the actual legal work. Indeed, this is where the extra hours come in. Oftentimes, solo practitioners are just sitting down after dinner with family to write motions, dig through discovery, and prepare for trial. The weekends, when not running to and from court, are a great time for this work as well. Not only getting the actual legal work done but getting it done carefully and thoughtfully—whether it be a motion to dismiss, which is granted, or a trial acquittal—is the best way to build new business.

Simply stated, the best marketing is having a good product and that product then being discussed word of mouth between old clients and new clients alike. After all, it is the old-school mentality of being back in person which propelled me to finally start my trial practice, and word-of-mouth referrals will always be the most meaningful way to create, maintain and grow a successful practice.

Jason Goldman *is a Manhattan-based criminal defense attorney and founder of the [Law Offices of Jason Goldman](#).*

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