

Practice Success 101: Contract Lawyering

by Pete Roberts

You may be curious about “contract lawyering.” A contract lawyer enters into an agreement with another lawyer or law firm to do a certain scope of work, work generally for a certain period of time, or both. It is a great way to gain experience and establish a relationship that may continue with subsequent projects. In Washington, there are lawyers who solicit contract work to fill gaps in private client work and there are lawyers who actively pursue contract work as a career (and lifestyle). These latter lawyers may advertise in *Bar News* fairly consistently.

But if you are considering contract lawyering, please refer to Opinion 88-356 published by the American Bar Association entitled “Temporary Lawyers” to understand the scope of this work. The Opinion states, in part:

The temporary lawyer may work on a single matter for the firm or may work generally for the firm for a limited period, typically to meet temporary staffing needs of the firm or to provide special expertise not available in the firm and needed for work on a specific matter. The temporary lawyer may work in the firm’s office or may visit the office only occasionally when the work requires. The temporary lawyer may work exclusively for the firm during a period of temporary employment

or may work simultaneously on other matters for other firms.

Important issues discussed in the opinion include conflicts of interest, confidentiality of information, disclosure to client, and arrangements with placement agencies. Young lawyers considering, or performing, contract work should also read WSBA Informal Opinion Nos. 1039 and 1083, as well as other related opinions.

If you are seeking contract work, consider what are you particularly good at. Think about your skills such as writing (a biggie) and research on particular topics. Is medical research a forte? Are you a whiz using sleuthing tools on the Internet? You may have a depth of experience in particular niche fact patterns. Get the word out to your network of colleagues through lists on the Internet and advertising in traditional media, including your website.

It takes time to sow these seeds, so be patient. Of course, also be willing to accept private clients along the way. Contact other contract lawyers and network furiously. Get together as a group on occasion.

The WSBA Law Office Management Assistance Program (LOMAP) hosts a monthly Lawyer Discussion Roundtable, and you are welcome to use that meeting for this purpose. The upcoming meetings are on June 9 and July 14 at noon.

Insist on a written understanding of



the engagement. Feel free to confirm the arrangement in writing and include your rate per hour (or flat fee), duration, specific task(s), maximum hours to be spent, and payment terms. Your payment should not be contingent on the client paying the hiring lawyer’s bill or a future settlement. The LOMAP Lending Library includes the volume *The Complete Guide to Contract Lawyering*, which includes sample agreements. Use of office space, staff, travel costs, and online research expenses should also be considered.

What about insurance? Ask the hiring lawyer if her policy includes a contract lawyer. You may be advised to speak with her insurance agent about this as well. Better yet, have your own malpractice insurance coverage. Double-check your automobile policy to be sure your travel on these assignments is covered. A rider to the policy may be necessary.

Remember that many lawyers do not have experience hiring a contract lawyer. Have the answers to any possible questions and reassure the hiring lawyer that you are careful in the use of your time and will notify that lawyer of unexpected challenges in performing your work. You should be prepared to write down or write off effort that is unproductive — and tell the hiring lawyer on your bill. After all, your goal is to build trust and to receive future assignments. ♦

WYLD Seeks Award Nominations

The WYLD is accepting nominations for the Thomas Neville Pro Bono, Outstanding Young Lawyer of the Year, and Professionalism Awards. All three awards recognize lawyers who epitomize the best in the legal profession. Nominations are also being accepted for the Outstanding YLD Affiliate or Organization Award for recognition of public service and/or member service programs.

If you know of a young lawyer who deserves to be recognized, please visit www.wsba.org/lawyers/groups/wyld/default.htm for full details and nomination form. Self-nominations will not be accepted. Please note that a completed nomination form must accompany each nomination to be considered.

Nominations must be received by 5:00 p.m. on August 1, 2009.

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