

THE PRACTITIONER

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Message from the Chair



Patricia Rosier, Chair

I am very honored, proud and humbled to serve as your Chair once again.

It is indeed wonderful that we are looking forward to our 15th Annual Conference in Panama! Throughout the years, we have strived to assist our members by offering compelling seminars and conferences, as well as invaluable networking opportunities. Our membership continues to make our Division proud with their many successes. As one of the co-founders of this Division, my heart bursts with joy as I see the progress that our membership has made over the years.

This year, one of my goals is to establish a Mentor Program for the Division, whereby younger attorneys can be paired with more experienced attorneys during the bar year. We are requesting that our more experienced attorneys contribute one hour of their time on a monthly basis to discuss matters with their assigned, younger attorney. This time can consist of various ways of communication. More information about this program will be forthcoming. Please participate when the time comes.

We will also be working with the NBA Young Lawyers' Division ("YLD") by co-sponsoring some programs as well as offering a reduced Conference registration fee to members of the YLD. In order to include more young lawyers, our Division is hereby reducing the Conference registration fee to only \$99 for YLD members who register no later than March 1, 2010.

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From the Editor

The Small Firm/Solo Division of the National Bar Association ("the Division") is pleased to present this inaugural issue of *The Practitioner*. Our goal is to provide a balance of both substantive legal articles as well as informative articles based upon the collective experiences of the Division's members.

Last year the world experienced a collapse of the financial markets. As a result of the credit crunch, the United States and a number of other countries experienced a global recession. Small businesses in the United States were among the hardest hit. The crisis underscored the important role of small businesses in the U.S. Economy. The Division's members, comprised of small and solo firms of varying longevity, were not impervious to these economic forces. Now, however there are a number of signs of recovery for the U.S. Economy. Thus, those entities best positioned to take advantage of the opportunities presented by the forecasted upturn in the economic conditions will be well positioned for growth in the future. We hope *The Practitioner* will serve as a resource for the small law firm and solo practitioner, as well as, the small business clients they serve.

Jean-Marie Sylla, Jr. is a partner with TAYLOR, SYLLA & AGIN, LLP, a Washington, DC based civil litigation firm. He represents business entities in a wide variety of insurance, commercial, business, and real estate litigation disputes in the District of Columbia, Maryland and Virginia. Jean-Marie also serves as the vice-chair of the Small Business Section of the National Bar Association. He can be reached at (202) 783-7876 or by email at jmsylla@isafirm.com.



Jean-Marie Sylla, Jr.

What I Really Learned in Starting a Solo Practice

By: Tonya L. Primus, Esquire

When I opened a solo law practice, just eight years ago, I started with a laptop, a printer, and an office telephone line at home. I remember sitting at my dining room table and sending an email blast to everyone in my email address book. I carefully crafted a message to inform colleagues, friends, family, and even unknown persons that I was venturing out on my own after working at a large firm and clerking for a judge; and that I was open for business, ready to take on real estate and family law matters.



Tonya L. Primus

I did not have the money to order formal announcements, buy office furniture, or to lease office space. I did, however, have enough saved to pay for my mortgage, utilities, and food for the next three months. I also had a credit card that had an interest rate of zero percent for the first year. The credit card gave me comfort in knowing that I had at least a year to pay off the debt that would be incurred to purchase equipment, supplies, and possibly food. To me, it was an interest free loan for a year and the cheapest way to finance my practice.

Although I did not have any clients, I had a plan. I knew that, in addition to working hard, I had to sell myself and my abilities when any opportunity presented itself. I also agreed to work as an Of Counsel attorney for a small, but established law firm, with the hopes that I could earn the respect and referrals from the experienced attorneys in the practice, while taking the cases that were too small for them or that they did not want. I also wanted to learn as much as possible from the attorneys in the firm. I made every effort to soak up anything they were willing to teach me. When they gave

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Health Care Reform and the Small Law Office

By: Damani K. Ingram, Esquire

The prospect of an affordable health care system has been the hallmark goal of the Obama administration. The debate has ebbed and flowed between those who advocate for a free market system of quality control of health care and those who believe government intervention is critical to the solution of America's health care problems. Recently, the debate has been wedged on how reform will affect the small business.



Damani K. Ingram

As proprietors of solo and small law firms, how can we expect the proposed reform to affect our businesses? For many solo practitioners and small firms, healthcare is not an incentive it can offer to employees. Many of the small firm principals either have had to go without insurance, depend on the insurance of a spouse, or utilize the health care provided by another employer. The health care plans currently on the market and aimed at the small office are usually over-priced, resplendent with exclusions and high deductibles, and lacking real quality.

The bill that passed in the House on November 7, 2009 is a behemoth piece of legislation. Consisting of about 1990 pages, very few souls will attempt to read this document and even fewer will complete the task. For the busy small office practitioner, it is out of the question. Thankfully there is no

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Calendar of NBA Events

January 27-31, 2010

**NBA Judicial Council & Board of Governors
Mid-Winter Meeting Hawaiian Village Beach Re-
sort & Spa
Honolulu, Hawaii**

February 25-27, 2010

**Commercial Law Section
23rd Annual Corporate Counsel
Conference
The Loews Coronado Bay Resort
Coronado Bay, CA**

March 16-21, 2010

**Small Firms & Solo Practitioners Division
15th Annual Conference
Intercontinental Playa Bonita Resort & Spa
Panama City, Panama**

March 25-26, 2010

**3rd Annual Labor & Employment Law Section
Continuing Legal Education Conference
Atlanta, GA**

March 2010

**NBA Annual Day on the Hill
The Hyatt Regency
Washington, DC**

March 10-14, 2010

**National Black Law Students Association
42nd Annual Convention
Boston, MA**

April 7-10, 2010

**NBA 30th Annual Mid-Year Conference &
Gertrude E. Rush Award Dinner
The Renaissance St. Louis Grand & Suites
St. Louis, MO**

August 9-13, 2010

**National Bar Association
85th Annual Convention & Exhibits
The New Orleans Marriott
New Orleans, LA**

Dirt Between Their toes

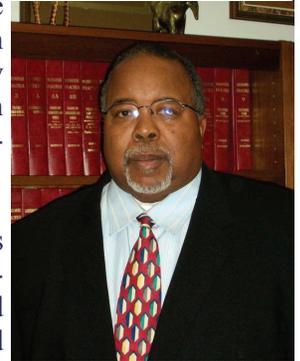
By: Larry Delano Coleman, Esquire

Back in Howard Law School in the 1970's, I remember opining that the best way to reform the younger generation of black youth was to make it possible for them to get some "dirt between their toes." By that I meant to expose them to rural life, and to get them out of the cities, away from viral influences which distort their development, which undermine their values, and which alienate them from nature, from God and from themselves. At that time, I did not have any scientific evidence, only personal experience, and anecdotal testimony, to support this assertion.

Now, in a recently published study, my latent intuitions have been confirmed. In four studies involving 370 people, those immersed in nature were more "prosocial." "Antisocial," as opposed to "prosocial" is what threatens to overwhelm them, now. Crass materialism promoted through media and society combine with low self-esteem, poverty, and hooliganism to mold them. "Hooliganism," by the way, comes from a family of Irish people who lived in South London's slums in the 19th century, named "Hooligan," who were notorious thieves, thugs, and street fighters, who ran in gangs. One writer states of them:

The home of the Hooligan is, as I have implied, within a stone's throw of Lambeth Walk. Law breakers exist in other quarters of London: Drury Lane will furnish forth a small army of pick-pockets, Soho breeds parasites, and the basher of toffs flourishes in the Kingsland Road. But in and about Lambeth Walk we have a colony, compact and easily handled, of sturdy young villains, who start with a griev-

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Larry Delano Coleman

Impact of the Broadband Internet Fairness Act on Small Businesses (H.R. 2902)

By: Eric W. Pray

For the purpose of this article, the effect of the Broadband Internet Fairness Act (H.R. 2902) is examined on small business, defined as any business with less than 100 employees in the United States.

With the introduction of H.R. 2902 (the Broadband Internet Fairness Act) by Rep. Eric Massa, a faction within the United States Congress hopes to empower the Federal Trade Commission with additional oversight authority over internet service providers ("ISP"). The Act itself would affect ISP's with over 2 million subscribers, and would prohibit them from implementing tiered-pricing plans, which are pricing structures for home broadband service that will charge consumers based on the amount of data transferred monthly, and not at a flat rate. Mr. Massa argues that tiered-pricing structures amount to "little more than a price-gouging scheme". He adds,

"... there has been a significant uproar in the Rochester, NY area regarding Time Warner's announcement that they will "test market" a plan to charge customers based on how much they download. The initial proposal was to introduce a 5, 10, 20, or 40 gb/month downloading cap. If customers went over the cap, they would start mounting additional fees. Then today Time Warner announced a new tiered plan similar to the previous one. However, for a consumer to receive the same unlimited internet that they currently do for around \$40 per month, they would be billed \$150 per month under the new plan."

The introduction of tiered-pricing structures to the ISP market represents a shift away from the standard that has been enjoyed by the American consumer since the introduction of home-based broadband service. This action creates new means by which an ISP can draw increased revenues from its subscribers, and could re-shape the range of broadband-service products offered to the average consumer.

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Member Spotlights



Rahkel Bouchet is an attorney with The Bouchet Jackson Law Firm. A native of California, Rahkel graduated from Howard University, cum laude, and received her Juris Doctor degree from Howard's School of Law. While in school, Rahkel worked on Capitol Hill for Congressman Walter Tucker, in the

U.S. House of Representatives in Washington, D.C. Currently, she is admitted to practice in four jurisdictions: Tennessee, Texas, New York and the District of Columbia. Rahkel is steadily building her reputation as an Attorney and Mediator in Family Law, Small Claims and Real Estate matters in the District of Columbia.

Rahkel successfully juggles family life and community service with her growing law and mediation practice. She is an active member of her community and serves or served on Boards or held office with several community organizations, including The National Bar Association, Off The Field, Howard Law Alumni and Greater Mount Calvary Holy Church Legal Ministry. Her firm's website is www.BouchetJackson.com.

Carlos E. Moore, a Moss Point native, is the founder and managing attorney of Moore Law Office, PLLC which has offices in Grenada and Jackson, Mississippi as well as Memphis, Tennessee. A graduate of Moss Point High School (Salutatorian), the University of South Alabama and The Florida State University College of Law, Carlos has also completed course work at Rice University in Houston, Texas as well as the University Of Mississippi School Of Law in Oxford. Attorney Moore specializes in personal injury and worker's compensation while maintaining a general law practice.



Carlos is very active in several bar associations, including the American Bar Association, National Bar Association, The Mississippi Bar, Magnolia Bar Association, Mississippi Association for Justice, and the Grenada County Bar Association. Currently serving as Region V Director of the National Bar Association and

Assistant Diversity Director for the American Bar Association Young Lawyers Division, he is a Past Chairman of the Young Lawyers Division of the National Bar Association. Carlos also served as Secretary/Treasurer of the Grenada County Bar Association from 2003-2007 and has been a member of the NBA Board of Governors as well as the board of the Mississippi Association for Justice for a number of years.

In addition to his bar association work, Carlos is very active in his community. He is a member of the Grenada Rotary Club, Grenada Chamber of Commerce Unity Committee, 100 Black Men of Grenada, Inc. (President), and is a board member and Founding Chair of the Grenada Unit of the Boys and Girls Clubs of the Mississippi Delta. Married to the former Natalie Herrington of Grenada, the Moores are active members of Abundant Life Assembly in Grenada where Carlos serves as General Counsel.

Before opening his own multi-million dollar revenue grossing law practice in 2006, Attorney Moore was employed by Harlow Law Firm in Grenada where he was engaged in the general practice of law and also served as Assistant City Prosecutor for the City of Grenada from 2002-2006. Licensed to practice before all state and federal Courts in Mississippi, Carlos is the recipient of many honors including being named the 2007-08 Outstanding Young Lawyer of Mississippi by The Mississippi Bar Young Lawyers Division (1st African-American to ever receive the award in its twenty six year history) and being named in 1998 as an Outstanding Young Man of America.

The Moore Law Group prides itself on the depth of our experience, our accomplished attorneys, and our committed legal support staff. The Moore Law Group is committed to offering personalized and dedicated service to all our clients. **John A. Moore**, the founding member of The Moore Law Group, can respond efficiently, effectively, and knowledgeably to a wide range of issues ranging from commercial litigation to real estate, personal injury, and bankruptcy.



John received his JD in 2000 from The Florida State University College of Law, where he served as the Writing and Re-

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Member Spotlight (Continued from page 5)

search Editor of The Florida State University Law Review. He also received his BS, with distinction, in Business Administration from Florida A&M University in 1996.

Prior to starting the firm, John was a senior associate at the law firm of Powell Goldstein LLP located in Atlanta, Georgia, where he concentrated his practice in the areas of bankruptcy law, bankruptcy litigation, real estate law, real estate litigation and commercial litigation.

Attorney Moore is also very active in the community. He is a member of the 2006 class of L.E.A.D. Atlanta, a comprehensive leadership program for young professionals, a board member of the Young Lawyer's Division of the National Bar Association, and a member of the Atlanta Young Professionals section of the National Urban League. In addition, Mr. Moore devotes a considerable amount of *pro bono* time to the Georgia Justice Project and has been selected as a 2005 and 2007 Georgia Super Lawyers' Rising Star.

Impact of H.R. 2902 (Continued from page 4)

The Digital Revolution created new industries and opportunities to be mined and exploited. The rapid pace of development in consumer technology has provided the average consumer with access to products and services that were once the singular domain of the well-off, or technologically insatiable. Broadband internet service, which only a decade ago was used primarily by businesses and governments with staff that required full-time internet access and priced at a premium, is now available to most homes for approximately \$30 per month. It appears, however, that internet service providers intend to close the gap between the pricing of home broadband service and small-business broadband service via the introduction of structured-tiered pricing, loosely based on the cell phone industry model in which customers are billed based on their use of the service, as opposed to the flat-rate pricing that is the current industry-standard.

The development of structured-tier price plans for home broadband service follows the example set by British Telecom ("BT"), which has a long-standing practice of charging customers based on the amount of data transferred. BT recently began limiting download speeds for customers who habitually download a large volume of data. These policies have proven to be successful measures for BT, and ISP's in the United States are looking to take advantage of the precedent. The new pricing initiatives are targeted for home-based broadband services only, as ISP's do not appear to be targeting the small-business community. However, the increased cost of home-based broadband service could have an impact on telecommuting, as it would be likely that fewer people would enter into "unlimited usage" plans with their ISP. Thus, a small business that operates on a smaller budget due to lighter overhead costs could very well be affected by the advent of structured-tiered pricing, due to the need for a robust and reliable network to facilitate its personnel.

The disparity between home-based and small-business broadband service packages is striking. In Washington DC, for example, Verizon offers small business solutions that include broadband service, unlimited phone service, 50 gigabytes of on-line storage space, and even mobile Wi-Fi service for about \$85 per month. With an average cost in the neighborhood of \$30 per month, most residential customers choose a home-based broadband service, though the small-business product appears to be the superior product. It is thus interesting that internet service providers seek to introduce new tiered-pricing structures for home broadband service that will charge consumers based on consumption, and not at a flat rate. The newly proposed measures, if enacted, may prove to be so expensive that it would lead the average consumer to choose from the small-business plans offered by their ISP instead of their home-based offerings. The additional services and benefits offered by the small-business plan - unlimited phone, on-line storage, and flat-rate pricing - would make the decision an easy one for many households, particularly when they receive their first "tiered-pricing" bill from their provider.

Given the current proposals from the cable industry, it is not inconceivable that the average customer with home internet service would see their rate double or triple, which would have them paying the same rates as a small-business plan. One

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NBA SMALL FIRMS/SOLO PRACTITIONERS' 15th ANNUAL CONFERENCE

March 16-21, 2010

Ask for George, Tel: 800-251-0230

Email: rekotours@aol.com

PANAMA



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March 16, 2010 Air upon request or you provide

March 16 Arrive to Panama City, meet and transfer to INTERCONTINENTAL PLAYA BONITA RESORT & SPA Hotel in Panama City for 5 nights, **March 16,17,18,19,20** in OCEAN VIEW Rooms, with breakfast included. www.playabonitapanama.com.

March 17 Half-day CLE Ethics Seminar with remaining time for leisure

March 18 Half-day CLE Seminar with remaining time for leisure

March 19 PANAMA CITY / PORTOBELLO WITH LUNCH AND FREE DAY IN MELIA PANAMA CANAL. Departure towards the Caribbean coast of Panama, next you will be able to see the Madden Dam and the Alajuela Lake, which serve as a reserve of water for the Panama Canal. Once in Portobello, visit the colonial fort of Santiago de la Gloria, a walking tour of the town and the newly restored Customs building, the fort of San Geronimo, and ending with a visit of the church which houses the Black Christ. Lunch at Melia Panama Canal, then free time for enjoy of the facilities of the hotel. Transfer back by coach to hotel for overnight (B,L)

March 20 PANAMA CITY / PARTIAL PANAMA CANAL TRANSIT W/LUNCH. (available only on Saturday) Experience the 8th Wonder of the World with lunch included on board. We will pick up the group at the INTERCONTINENTAL PLAYA BONITA RESORT & SPA Hotel and transfer to Dredging Division in Gamboa. The vessel will depart at 11:30 am. The transit will take you through the Galliard Cut (Culebra Cut), Pedro Miguel & Miraflores locks before disembarking guests at Flamenco Yacht Club. We will pick you up at Amador and transfer back to hotel for overnight (B,L)

March 21 Transfer to the Airport in Panama for your return flight.

Message from the Chair *(Continued from page 1)*

Our other goal is to resume our newsletter on a regular basis. We are so fortunate to have the services of an esteemed volunteer to take charge of this endeavor. Many thanks go out to our new editor-in-chief, Jean-Marie Sylla, Jr., Esquire an outstanding lawyer who has found the time to give. He is looking forward to receiving your many articles and other information for our upcoming newsletters.

Due to the recent economic climate, our Division has become even more vital to attorneys who may find themselves suddenly out of the corporations, various government agencies, or law firms. Becoming a solo practitioner or part of a small firm still offers options and the freedom to help shape one's own future and destiny.

This bar year will be one of the best yet. Please join us in Panama!

Health Care Reform *(Continued from page 2)*

shortage of summaries of the legislation. By way of illustration, let us look at each party's version of the bills that were put forth:

The House Democratic bill (Affordable Health Care for America Act)

Who's covered? Around 96% of legal residents under 65. An estimated 83% are covered now. An important thing to note is that a majority of the people left uninsured would be illegal immigrants.

What will it cost? \$1.055 trillion over 10 years, according to the Congressional Budget Office. However, as small business owners, please note that the estimated net cost is \$894 billion. This number includes penalties paid by individuals and employers who do not comply with new requirements.

How is it paid for? New taxes on single people making over \$500,000 and couples making over \$1 million a year would provide \$460 billion over the next decade.

What does it require of employers? Employers will be required to provide health insurance to their employees or they will have to pay a penalty. Companies with payrolls under \$500,000 annually will be exempt.

The House Republican Bill (Common Sense Health Care Reform and Affordability Act)

Who's covered? The House Republican bill has not been analyzed by the Congressional Budget Office-the official umpire on cost and coverage. The bill aimed to make insurance affordable and accessible to all; however, it's unclear how many of the nearly 50 million uninsured would be covered.

What will it cost? Not yet publicly known.

How is it paid for? With no new taxes proposed, Republicans cite savings from reducing Medicare and Medicaid fraud, caps on medical liability and a streamlined approval process for generic drugs as helping to fund the initiative.

What does it require of individuals? It has no individual requirement to have insurance.

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Health Care Reform *(Continued from page 8)****The Senate Democratic Bill***

Who's covered? The bill wants to cover 94% percent of Americans, with specification that illegal immigrants will not receive government benefits.

What will it cost? The goal is \$900 billion over 10 years.

How is it paid for? It will be paid by fees on drug makers, medical device manufacturers and insurance companies.

What does it require of employers? Employers will not be required to offer coverage. However, larger companies (with 50 or more employees) will have to pay a fee as large as \$750 times the entire workforce if the government subsidizes coverage for the workforce.

Commentaries from small business organizations such as the National Federation of Small Business and the U.S. Chamber of Commerce feel that the House and Senate bill's requirement of participation by business will force employers to cut jobs and decimate small businesses.

Recent estimates reveal that about 40 percent of businesses with fewer than 50 employees offer health insurance. The House bill mandates that for each full-time employee, employers with payrolls above \$500,000 must contribute 72.5 percent of the premium cost for single coverage and 65 percent of the premium cost for family coverage. The penalty for failing to do so is a 2 to 6 percent tax on employers with payrolls between \$500,000 and \$750,000 and an 8 percent tax for employers with payrolls above \$750,000. Businesses with payrolls of less than \$500,000.00 would not be required to provide health insurance. The threat of an additional penalty on a small business can be quite ominous. However, according to Joint Committee on Taxation, 98.8% of small business would be exempt from the Act. Furthermore, small businesses with ten or fewer employees will receive tax credits from the government to help them offer insurance.

For the small firms that would like to provide health care for its workers, but cannot afford the premiums, the Act proposes to set up an exchange consisting of private insurers and government sponsored public option. In this exchange, small employers could obtain quality healthcare at the rates and discounts typically reserved for large employers. Soon the Senate debates its version of the bill. Yet, in spite of the enthusiastic, zealous polemic ensuing, should a Senate bill pass, most reforms affecting small businesses will not be effective until 2013.

¹Healthcare Reform & Small Business: 3 Bills Explained, Minara El-Rahman November 6, 2009.

²Columbia Free Times Issue 12.46.

³Committee on Ways and Means Report 10/29/2009.

⁴"The Obama Plan: Stability & Security for All Americans" Whitehouse.gov.

Damani K. Ingram, Esquire is a Partner of The Ingram Law Firm in located in Columbia, Maryland. Mr. Ingram focuses on civil practice, including personal injury, commercial and business litigation. Mr. Ingram can be reached at dkingram@ingfirm.com.

Impact of H.R. 2902 *(Continued from page 6)*

might think that this would inevitably lead to internal competition at service provides, as homeowners attempt to switch to the cheaper small-business solutions with greater features and benefits. But small-business solutions are not widely available from providers; they tend to be offered in populous metropolitan areas only.

It is unlikely that ISP's will use the same or a similar tactic as tiered-pricing with regards to the small-business community, as tiered-pricing was proposed as a result of the lack of growth in revenue commensurate with the capital investment made by ISP's to increase bandwidth capacity to cope with the growing demand of consumers. Even if tiered-

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Dirt Between their Toes (Continued from page 4)

ance against society, and are determined to get their own back. That is their own phrase, their own view. Life has little to give them but what they take. Honest work, if it can be obtained, will bring in but a few shillings a week; and what is that compared to the glorious possibility of nicking a red 'un?

The September 27, 2009, beating death of Derrion Albert, a sophomore honor roll student at Christian Fenger Academy High School, in Chicago, Illinois, by rival gangs of young, black hooligans underscores and illustrates the point.

Such a loss! Such a waste! Such a tragedy!

While rustication, country-living, rural life is not necessarily a panacea for current ills, Henry David Thoreau, the author of Walden's Pond was right. People exposed to nature are enriched by the experience.

Dr. George Washington Carver's whole life was lent to the proof of the axiom that nature is a reflection of the divine. He often stated "I love to think of nature as an unlimited broadcasting system, through which God speaks to us every hour, if we will only tune in." The inventor of the science of chemurgy also stated, "I never have to grope for methods. The method is revealed at the moment I am inspired to create something new...without God to draw aside the curtain, I would be helpless."

Job 12:7-10 is also instructive: "But ask now the beasts, and they shall teach thee; and the fowls of the air, and they shall tell thee: Or speak to the earth, and it shall teach thee: and the fishes of the sea shall declare unto thee. Who knoweth not in all these that the hand of the Lord hath wrought this? In whose hand is the soul of every living thing, and the breath of all mankind."

John Calhoun's famous National Institute of Mental Health (NIMH) experiments with rats in the 1950's suggest, and have been broadly interpreted to mean, that density is a variable in human pathology. But, density alone is not the answer. Poverty, inequality, identity crises, and a breakdown in community value transmission stratagems all play a part in an individual's decisions. Sometimes, an individual's decisions are made for him by others or by circumstances beyond an individual's control. The child soldiers in Africa are very much akin to the "Sistah soldiers" (and brothers) of certain youthful Africans in America. A similar format for remediation may likewise be in order.

"Dirt between their toes," then advocates and encourages a return to nature and an appreciation of nature as a spiritual healing modality, for every one, especially for urban African American youth. More broadly, however, this essay, "Dirt between their toes," encourages the communion with not only nature, but with the God behind, and the creator of, nature and us, from whom estrangement and isolation is the foment of all calamities and the greatest of all tragedies, individually and collectively.

¹Netta Weinstein, Andrew K. Przybylski, Richard M. Ryan, *Can Nature Make Us More Caring? Effects of Immersion in Nature on Intrinsic Aspirations and Generosity*, Personality and Social Psychology Bulletin, Vol. 35, No. 10, 1315-1329 (2009) (abstract found at <http://psp.sagepub.com/cgi/content/abstract/35/10/1315>).

²<http://www.victorianlondon.org/publications7/hooligan-02.html>.

³http://www.huffingtonpost.com/2009/09/27/beating-death-of-derrien_n_301319.html.

⁴<http://thoreau.eserver.org/walden00.html>.

⁵<http://www.lse.ac.uk/collections/economicHistory/pdf/FACTSPDF/2308Ramadams.pdf>.

⁶<http://journeyofhearts.org/healing/nature2.html>.

Larry Delano Coleman, a solo practitioner, in Kansas City, Missouri, represents plaintiffs, primarily, in a comprehensive litigation practice, ranging from civil rights to personal injury to real estate to securities, including criminal defense. A former Assistant United States Attorney, he has been self-employed since 1986, having attended every NBA convention since then. The first Chaplain of the NBA, and an Itinerant Elder in the A.M.E. church, he is one of the officers and founders of the on Section on Law and Religion. A graduate of Howard Law School ('76) and Howard School of Communications ('73), he was Editor in Chief of the Howard U. Hilltop, and was a law clerk to Benjamin L. Hooks at the Federal Communications Commission.

What I Really Learned *(Continued from page 2)*

me projects to do, I stayed up all night if I had to, in order to finish the project before the deadline, and I eagerly accepted all of the projects they gave me – whether I really was excited about them or not. In other words, I knew that this opportunity could translate into helping me grow my practice, so I took the responsibility seriously and gave it my best effort.

Thankfully, I have been able to build a solid real estate and family law practice, rely on referrals as my greatest source of clients, contract work out, and refer work to other attorneys who are starting their practice. As a matter of fact, loyal clients continue to request my services in Washington, DC, although I now live in Chicago.

Over the years, I have read many articles about starting a solo law practice. Although many articles provided useful information, many times, I finished them wondering why more practical tips were not included. Accordingly, I have included a few tips that have helped me along the way. Some I have learned from other legal eagles, and others I have figured out on my own. It is my hope that these tips will help you to maximize your law firm's growth:

- If you accept a case and are being paid less than your fee, you are more likely to commit malpractice since it is extremely difficult to be motivated to work on a case when you know you will not be compensated. Request a sufficient retainer upfront and regular retainers during the course of representation.
- Before you have your first case in a new court, go to the court and observe. Notice where you should stand, learn the court protocol, be extremely nice and friendly, and ask a lot of questions of the clerk, the bailiff or anyone you see that may help you. Establish a relationship with each of them because they will be able to assist you in many situations. Remember, your client is not there with you on this day, so this is your opportunity to learn as much as you can.
- While you are in court, listen to the case numbers of similar cases or cases that may have form documents that may be helpful to your case or to your practice in the future. Then, go to the clerk's office and copy the documents from the file. Even better, establish a relationship with the attorney in the case and ask him/her to email you a copy of the document to you for your use.
- If you take a case and want to learn how others have litigated the case, find a similar case where the court has issued a written opinion, contact the court and purchase copies of the documents within the file for your reference as you proceed in your case. You may find documents to help you when you draft the complaint, discovery, motions, pre-trial, and jury instructions.
- Join a local bar association's list serve where lawyers discuss legal issues and refer cases. You can cut and paste the discussions and case citations into an organized document of your own so that when you are faced with this issue, you have a starting point to reference. Also, a list serve can provide you with the opportunity to engage in legal discussions with lawyers who can refer cases to you based on the knowledge you share on the list serve.
- Realize that every place you go, from the grocery store, to church, to the computer store, to a nightclub, that potential clients and potential referrals are there. Be engaging and pleasant to everyone. You never know whether the conversation will lead itself to your practice. Wear your firm's logo or website on your jacket or shirt. Keep your business cards in every purse or jacket, in the car, and in every briefcase.
- Prepare a "mini commercial" and be prepared to tell anyone what you do within 15 seconds. This is your chance to capture their attention and to have them ask more questions about your practice and your experience.

(Continued on page 12)

What I Really Learned *(Continued from page 11)*

- Save all clients' email addresses with the name "client" in the name and keep all client email addresses in a folder so that you can send out a mass email to all of your clients regarding victories, media attention, vacation etc. However, remember to put their names in the bcc line so that clients cannot see the names or email addresses of other clients.
- Include a tag at the end of your email that includes your name, your firm's name, contact information, as well as a link to your website. Think about this as a free advertisement. How many times have you received emails that have been forwarded several times? I am always surprised at the number of people whom I did not know that have contacted me to compliment me on my website.
- Remember that your clients know a lot of people and can refer more people to you if they are satisfied with your services. Always think of the "long run" when you have a disagreement with a client, and ask your clients to complete a survey when your representation has concluded. I can guarantee you that you cannot make all of your clients happy; nor will all of them refer new clients to you. However, do your best to handle all matters in a professional and efficient manner to increase your chances.

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Impact of H.R. 2902 *(Continued from page 9)*

pricing is ultimately rejected as an option, it appears as though service providers are intent on increasing the cost of service for the consumer, even as the customer base – and demand – increases. Unless Congress follows Representative Massa's lead and protects individuals from price-gouging by limiting the means that service-providers have at their disposal to increase costs for the consumer, home-based broadband with unlimited access may soon be a thing of the past.

Given the recent trend towards telecommuting and the universal need for businesses to stay connected with critical personnel, the proposed structured-tiered pricing could prove to be an additional expense and burden on a small-business community already beset by declining economic activity and limited access to credit.

¹Web Site of Rep. Eric Massa (D-NY) <http://massa.house.gov/common/popup/popup.cfm?action=item.print&itemID=208>.

²Broadband Internet Fairness Act introduced to Congress <http://www.itworld.com/print/69444>.

³It's Captastic! Cable One Embraces Congestion Pricing <http://gigaom.com/2009/10/08/its-captastic-cable-one-embraces-congestion-pricing/>.

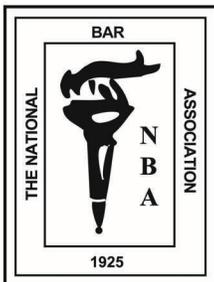
⁴Verizon Small Business PAK with High Speed Internet http://smallbusiness.verizon.com/bundles/slb_pak_hsi_dp.aspx?tfn=c&CMP=KNC-SMBACQSL.

⁵Why Tiered Broadband Is the Enemy of Innovation <http://gigaom.com/2008/06/04/why-tiered-broadband-is-the-enemy-of-innovation/>.

Eric W. Pray is the president of Pray Consulting, located in Washington, DC, specializing in information technology consulting. Mr. Pray specifically advises law firms on IT issues.

YOUR THOUGHTS?

*If you have any comments concerning *The Practitioner* or are a NBASFSD member who wants to submit an article to use for publication consideration, please contact Jean-Marie Sylla, Jr. at jmsylla@gmail.com*



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