

How to Start and Build an Immigration Law Practice

by Ruby L. Powers

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INTRODUCTION

Running a law firm requires fulfilling many different functions and playing many different roles. Many of the strengths it requires draw from skills otherwise not utilized in the legal field. This practice advisory will lay out some of the essential must-haves as you start your practice, including conceptual planning and key possessions and processes, as well as the essential groundwork for your ongoing success; including marketing, staffing, managing, and business development.

VISION, MISSION, PLAN

Vision and Mission

Putting words to your vision and concretizing your mission are not laudable goals to fulfill when you have the time; they are essential for your consistency and productivity. Only by setting your eye on a specific target will you be able to progress. While you can think about your vision as your future or long-term outlook, your mission is your mantra or way of being, able to be encapsulated within a succinct statement. Both my vision for my firm's future (to one day have it able to run functionally without me) and my mission (to provide the best possible immigration legal service for our clients while treating them like family) are informed by my personal goals. While this is highly personal, there are two key things to keep in mind as you develop your mission statement; your firm type and your iron triangle priorities.

Firm Type and Iron Triangle

You can think about your firm type in terms of the Nordstrom vs. Target vs. Walmart model. In terms of immigration practices, Nordstrom is boutique, costly, potentially able to handle more complex cases, and won't take everyone who walks in, if they cannot afford your prices. The clientele will be more self-selected; people who walk in the door will have heard of your firm. Target might be a middle of the way firm, that pulls people from Walmart who aspire to hire you as you pay more attention to your clients, as well as some Nordstrom-complex cases who prefer a less costly experiences. A Walmart-type firm will be lower cost, higher volume, featuring many walk-ins; it will potentially be low-tech and might lend itself more to family-based and

removal-based immigration. Think about which type of model you want to base your firm on; this will inform everything from your location, staff, long-term plan, and onwards.

The Iron Triangle maps onto the previous tripartite description. It is a concept that has emerged from the following thinking. You can: 1) develop something quickly and of high quality, but it will be costly to do; 2) you can develop something quickly and cheaply, but it will not be of high quality; 3) you can develop something of high quality and low cost, but it will take a long time. You have to choose between being inexpensive, fast, and/or good quality -- but you have to choose two of the three or else you'll go out of business.

Once you have decided which two key characteristics to hone in on, and by extension whether you will be a Nordstrom, Target, or Walmart, you should be better able to think about your vision and what your mission will be in order to move towards it. For example, I think of myself as running a Target. This means I hope to be able to automate more parts of my business and one-day work myself out of a job, while still being able to be somewhat selective in my cases and build close relationships with my clients. As such my mission statement is: "provide the best possible immigration legal service for our clients while treating them like family, to support them in navigating the stressful complexities of the immigration process."

Establishing and Sharing Goals

Once you have your vision established and mission statement written down, share them with fellow friends, business owners, and others in the field. This will help hold you accountable. Your mission statement should also be formulated such that people rally around it and you should be able to share it with staff to grant them direction, as well as clients to inspire them to join you.

You should also share your goals for the firm. The three key goals to develop in your first year, as discussed by Gino Wickman in *Traction*, are: your one-year plan, three-year picture, and then-year goals. Your one year plan should stick to three attainable goals (For example, rent an office space, hire x amount of staff, get y amount of clients). Your three-year picture will be bigger than your one-year plan, but it should be able to help get you to your ten-year. (I.e. it should consider general measurables: number of staff, revenue, cases, consults). For your ten-year target, you should list a few of your "B.H.A.D." -- i.e. your big, hairy, audacious goals. These should be daring and encapsulate your highest hopes. (Building from the previous plan and picture this might be something like "have an award-winning law firm in three locations).

GETTING STARTED - QUICK START ESSENTIALS

While your quick start essentials depend on whether you are starting from scratch, merging with, or buying another firm, below are some all-encompassing best practices and must-haves for anyone to either begin with, or remember and reassess if you are further on in your firm.

Name and Entity

Name: When choosing your firm's name, it is critical to think long-term. You need to consider state regulations for how you can name your firm, you should consider conflict with someone else who has a similar name in your area, state, or country, consider the difficulty of spelling or pronouncing your name across different languages (for example, immigration is spelled differently in English and Spanish), and remember its use for different social media handles and branding. All these are essential to take into account as changing your name later on requires extra work and often lost money in terms of now-defunct promotional materials.

Best Practices: Consider keeping an alternate version of the name in mind and preserve it through buying multiple domains and handles.

Entity: Your entity might be: Doing Business as (DBA), Professional Corporation, Limited Liability Corporation, or a Professional Limited Liability Company. For liability purposes, it is useful to switch to a Professional Corporation if you start as a sole proprietor with a DBA. This also helps as you get a Tax ID Number for your business, which will help create business history and build credit. Again; think long-term as entity-switching does require extra work.

Banking, Budgeting, and Insurance

Bank: Much like the name of your firm and entity-type, it can be difficult to change your banks mid-way through your firm's existence. Look for a bank that has offices in many places, that will be easy for you to work with, and that's pro-business. Also make sure to develop a good relationship with your banker early on; this relationship will help them keep you in mind for special rates and offers, waived fees, and larger lines of credit. Finally, make sure to open both an IOLTA and payee account.

Credit Card: If you need to use a personal credit card as you start out, make sure to get a dedicated card specifically for the firm so you can keep your accounting separate. However, as soon as you file for your entity and have your tax I.D. number, it is wise to apply to a card for the law firm. This way you can better separate yourself from your business in case you decide to later add partners, sell, or merge. It is also helpful as you can begin to build business history and build credit for the business itself and its tax I.D. number. In choosing the best card, there are lots of different specials; many cards create rewards. Be sure to analyze which card will give you the best benefits in light of the cost. Finally, business credit cards will allow you to get cards for other employees; consider getting a card for other employees as you hire (including a possible assistant, office manager, and attorney(s)). You can control and set limit to these; they are easy to control and helpful for delegation.

Credit Card Payment Mechanism: As you start your firm and take consults to cover your costs, you need to establish a trusty mechanism for taking credit card payments that meets your state bar rules and is directed to your bank account. Mechanisms like Square and Paypal offer easy routes to take payments with a smartphone or tablet with the right app or credit card reader. Ensure that you are compliant and be aware of all the different ways you might be charged by taking credit card payments; this may differ according to if clients swipe, key-in, or pay online.

Budget: It is essential to create a budget early on; overspending is one of the key killers of small businesses in their infancy. An easy way to form your budget if you have never created one before is to think about your definition of a “successful” business as you define the scope of what you want to make and spend. (For example; “In order for me to consider my business to be successful, it must provide \$_____ per year, and \$_____ per month income for me”). Overhead and labor will be your largest costs in the budget. There are more you will have to pay from the get-go: rent, internet, phone. As you add costs, you must keep coming back to your budget as you decide what you can and cannot afford. Avoid becoming locked into contracts or costs outside your budget early on; these can lock you in and kill your business.

Insurance: Many forms of insurance are highly suggested, but some are critical. In your experience, these are four that you should explore: professional liability insurance (this gives you peace of mind and help you get on lists such as AILA’s referral list and certain state bar lists), renter’s insurance (this is especially important as you accrue more valuables in your office space), health insurance (it might be a requirement depending on your office size and local state laws; I find that even when it has not been a requirement it helps me retain quality talent).

Office Space

There are five options for types of office space: home office, executive suite, subleasing, brick and mortar, and buying a building. Whichever option you choose will be dictated by: your budget, flexibility, and how defined your current plans for your firm are. The following section will lay out the pros and cons of each office space option, as well as the circumstances in which it makes sense to choose said option.

Home Office: The pros of a home office are that it helps keep overhead low, as it does not require one to pay for insurance, commercial internet, and the like. It also offers flexibility if you have a small or child or are a caregiver in some capacity. Finally, it grants you flexibility from a two to five-year contract, so that you are able to grow, move, or adapt to the market. The cons, however, can be that it is easy to get distracted even if you have a dedicated space within your home. Furthermore, confidential conversations can also be difficult to have in a home space. The biggest issue is that a home office does not allow room for growth; to grow, you will need a place to house your employees and you will have to meet clients elsewhere, likely in a rented sense. In summary, a home office makes sense if you need to keep your overhead low, you need flexibility as a possible caregiver, and you are still deciding where you want to take the firm.

Executive Suite: The pros are: an executive office is still relatively cheap and flexible and comes with multiple services. These suites offer short-term leases (often ranging from 3-6-12 month leases), a professional appearance, and are generally in wisely-chosen places for business. The services they can come with range from having a physical address to a phone system, furniture, and mailing systems. However, these services also come with cons: you have very limited ability to choose who processes your mail, who your internet provider is, and what phone system you use. You must be careful about surcharges and will generally have to pay more overhead. This option makes sense if: you plan to keep the firm small, or to grow it later but currently require a temporary solution.

Best Practices: If you decide on this option, be sure to ask questions about who your internet provider will be, your mail processes, who else is in the building (including possible competition), and make sure to talk to other tenants and ask them questions about the building, as the salesperson will likely tell you what you want to hear. Finally: have a plan, make sure that you will have a way to monitor your mail as you transition away and your lease ends.

Hardware

There are some key purchases you must make when you first open your firm. These essentials include: a laptop, phone, internet, scanner, printer, and shredder. Many of these items are up to your discretion; I recommend a laptop over a desktop to ensure you can stay portable as you travel to consultations or are on the road, for example to attend conferences. For phones, I recommend that as you start, even if you have not yet bought a landline, to avoid giving your personal cell out to clients. You can instead get a google number for free that routes to your phone. As soon as you are able, I recommend a landline; I recommend VOIP (Voice over Internet Protocol); you can easily move these phones around as you shift office space and work anywhere with an internet connection. A strong internet connection is another must-have, along with a scanner, a printer, and a shredder. While your firm remains small you can stick to having a Fujitsu ScanSnap scanner and small printers while running large printing jobs to the local FedEx business services. I recommend leasing a large printer when possible. Buying a shredder is essential for maintaining confidentiality requirements; I find this is more necessary for support staff than for actual attorneys as attorneys know the importance of destroying confidential information.

Email and Case Management

Email: The key points concerning email are: use a professional email, stick to a system that makes sense for you in being consistent moving forward, and be mindful about security. For example, if you use an @gmail or @yahoo before you get your website and domain figured out know that your email will not look as professional as it would were it tied to the domain name of your law firm. For example, everyone at my office has their email set as their name @mydomain name. Whatever system you choose, be sure to stick to it throughout the process. Also note that there are various options that are more secure than others; for example, the g suites for business provide extra protection. Remember, clients may be notably concerned about the security of sending their documents if the email seems unsafe. Also think about making a two-step encryption system or change your password regularly.

Case Management: I highly suggest that you use a case management system as soon as you can, in order to keep all of your forms, notes, and contacts in one place. Different systems work best for different people; some people will swear on particular case management systems while others use a combination of immigration-focused software and non-immigration software. Furthermore, new systems are coming out all the time and ones that are industry leaders are adapting and evolving. Think about all the functions you need accomplished in the firm and aim to use the least amount of programs possible so you have to train and connect the fewest possible.

MARKETING

The key to marketing is that you are never, ever done with it. This section will cover your marketing essentials you start out as well as how you should expand your marketing as your firm grows.

Early Marketing Essentials

At the bare minimum, you must have a phone number to give clients, an email address, a physical address (linked to a “google my business” account), a website, and business cards. These essentials do not have to be perfect; for example, you can order your business cards from Vistaprint and continue to tweak and edit them as you have more time and create a logo. The same goes for your website; you can start small and progressively upgrade with time. You should get one as early as possible as it allows you to list your firm on search engines, to create pay-per-click ads, and to reach out to varying listservs. In order to ensure that your firm rises to the top of potential customers’ google searches, you need a combination of good website content, long domain history, attached social media, and links to other sites. Pay-per-click ads can be a useful way to attract clients to your site early on. The gist is that you select a search engine that has ads, create an ad, and determine the budget and geographic scope the ad will be available to. However, as the pay-per-click ad process has matured the process has become more sophisticated; I recommend getting an outside consult with experience. Social media is essential for creating an online presence for your firm that will draw people to your website and phone. While social media is always changing, you should make sure to have all the key platforms covered and to keep your name consistent. For example, on: Instagram, Facebook, twitter, YouTube, etc. I would also recommend having both a professional and personal account for sites like Facebook and LinkedIn; I use both to advertise my business but keep them importantly separate.

Building Your Customer Base and Gathering Reviews

As your firm grows and you have time for more marketing opportunities, there are a number of ways you can work to get your name out there. You can start by getting your firm’s name on all of the possible attorney and business lists out there. When possible, you should implement a system for collecting client information so that you can easily reach out for newsletters, mailings, and the like. This is where a good customer relationship management system would come in handy. You should also begin collecting client reviews and peer endorsements that you may display on various platforms; your website, google, Facebook, etc. Create a system for this; you can have a set template sent to clients who have received good results. I’ve had a system for collecting client reviews from the beginning, wherein I would ask the client for a review in a template as soon as I had a favorable result, give them an easy way to choose a platform (via links to avvo, google, and the like), and follow up with a handwritten thank you card and a gift card. I find that the average consumer relies upon reviews when making a final decision on whether or not to purchase a product or service.

Additional Name Recognition; Podcasts, Speeches, Articles, Media, and Networking

I find video platforms to be a useful way to connect with my clients. In this day and age attorneys can easily make videos with the advent of smartphones and platforms like Facebook live and YouTube. I produce Facebook live videos every week summarizing recent immigration news in English and Spanish for my clients with a smartphone, attachable microphone, and

tripod. I know other lawyers who regularly record podcasts or have started their own YouTube channels. Another way to connect and reach out to potential and current clients is through speeches. At my firm we have a few content-specific presentations that we have pre-prepared to give and show ourselves as experts in our field; from know-your-rights presentations to others on waivers and employment-based options. I have found that being on my local bar's speakers list has helped my reach out to professional organizations. You can also announce on your website and other forums that your firm is open to doing presentations and speeches and list the subjects you feel you or your firm's attorneys can speak on. You should also make a point to zero in on certain groups you think you could help represent; offer to give speeches at their professional organizations, to their religious groups, or chambers of commerce. Another way to gain the attention of potential clients it through writing articles or op-eds. These help to establish you or your firm as a leader in the industry and help develop content for your website. It is helpful if you can develop relationships with local newspapers or websites; often, with timely articles or op-eds you generally have 24-48 hours to submit and produce your piece. That is, if you do not already have a pre-established relationship your work might not move up the chain fast enough to make it to print or posting.

STAFFING

Order to Hire in

The order and pace in which you make your first hiring decisions will depend on your firm's starting budget. However, a general rule of thumb is to start by hiring competent legal assistants that can work independently, with the understanding that one attorney can in theory monitor the work of 4-5 legal assistants. Some people choose to hire an attorney earlier but bear in mind that they do cost more; hire one when you truly need someone to do attorney-only functions and you are now unable to complete them fully yourself. After attorneys, my next hires were an office manager when I could no longer fully shoulder management and bookkeeping and a fully dedicated receptionist.

What to Look for and Office Culture:

In his best-seller *Traction*, Gino Wickman discusses how to find key employees. He argues that the two essential ingredients for any great team are "the *right people* in the *right seats*," and offers a useful way to think about whether or not you're hiring the right people for your firm. Wickman recommends thinking about people in your life or currently in your business who have key characteristics you would want your employees to emulate and to search out people who have these characteristics. He also recommends the 'People Analyzer' tool as a system that you can use to check back with and ensure that you have put the right people in the right seats. Essentially, you put the name of the employee you are analyzing in a right-hand column and the values you want your employees to embody across the top, rating them on a three-point system for each. While systems such as these may sound tedious, it is critical from the beginning and moving forward that you have hired people that reflect the values you've invested your firm with. Your office culture will determine your workplace and as the firm's owner it is your responsibility to direct it.

Staying Organized, from Hiring to Firing

Finding the right staff, maintaining them, and letting go when necessary need not be overwhelming.

Hiring: You should have a written-up hiring checklist. For example, ours includes: a pre-written job description and employment posting (with the former containing specific language about essential duties and the latter being more abbreviated, generalized, and big picture), and an offer letter template (this should list the position, essential duties, and terms of engagement of being hired; for example whether or not there is a probationary period, benefits, frequency of reviews, and PTO). I then have a system in place for the intake process of the possible new employee; a combination of phone interview followed up by in-person, then checking references, writing samples, background check, finished by a possible disc assessment personality test. Who owns this intake process and how detailed you decide to be will depend on the size of your firm.

Performance Reviews: You should have a performance review process that's clearly delineated and followed through the firm to keep employees accountable. In my office the office manager tracks performance reviews on the basis of employee start dates, sends employees a self-assessment sheet to fill out ahead of time, and catalogues our feedback. I find these reviews a helpful way to keep a pulse on how my employee feels about their work, their progress, and the firm. My goal is to have these performance reviews lead employees to self-reflection on how they might hope to improve, without only my input.

Employee Improvement Plans: Having these plans at the ready in case an employee fails to live up to expectations can be critical. If I notice problems with an employee, I will set them on a plan with explicit, recognizable goals in order to clearly see whether or not they work to meet them. Often, these plans fix the problem. In cases where they do not, I have a definite answer about employee retention. I also make sure to issue formal warnings if I have problems with an employee, stating the deficiency, how it was communicated, what should have been done instead, and next steps if another warning is given; ideally these letters will also be signed by the staff member in question.

Parting Ways: You should have a termination template and make sure it is legally sound. Typically, it will include what the staff member is accused of doing, when that termination becomes effective, and will contain a place for them to sign or witness that this was communicated as well as some precautions such as reminding them of confidentiality and further communication with clients. Depending on your law firm's policies and applicable state law, you may have a short resignation letter prepared in advance of your meeting and offer your employee the opportunity to resign instead of being terminated for cause.

LAWYER AS MANAGER

Know Your Strengths

I have found that the skill sets that make a good lawyer are not the same skill sets that make a good manager. As a business owner and leader, you have to consistently work on your management skills. You must also make sure to be honest with yourself about your weaknesses as a manager if you are to actively work around them or supplement them with hiring decisions. However, you must recognize that you can never fully offload key tasks. For example: bookkeeping and accounting is one of my weakest skill sets. However, while I enjoy offloading

that work as soon as I can to focus on other things, I also recognize there might be a dangerous lack of continuity in my firm's book-keeping if I let go of it as old staff leaves and new staff arrives. I still need to know the basics of how we do things, be able to make sure we have the procedures written down, and that we have someone externally who can verify things are being done correctly. You must make sure to have the insurance mechanisms in place when you delegate and ensure that you do not completely cut yourself off from what's going on. Successful delegation is responsible delegation.

Juggling and Delegating

One of the reasons delegation is so important is that you have to constantly triage what the best use of your time is; this is the theme of running a business every single day. As you delegate, implement a system for holding people accountable and keeping yourself updated. Project management systems like Trello, Asana, and Basecamp can be useful to this end; when employees have semi-public to do lists with set deadlines you can monitor progress from afar without micromanaging.

WORKING ON, NOT IN, YOUR BUSINESS

One major resource I continually draw upon is *E-Myth Revisited* by Michael E. Gerber; one of the book's major takeaway is that a business owner has to wear three hats; technician, manager, and entrepreneur. In our case, being a 'technician' is being a lawyer. The managerial hat is necessary so that you can delegate and thereby grow your business. Being an entrepreneur requires being a visionary, thinking outside the box and thinking long-term. All three hats or capabilities are required to be successful but rarely found in one person in balance as they require different skill sets and mentalities. If you hope to truly grow and develop your business, you have to give yourself time to move to the entrepreneurial mindset. By developing your managerial skill sets and delegating, you will hopefully carve out this time. However, beyond giving yourself time, you need to constantly look for new avenues to learn about how you can improve your business. I do this by attending business workshops, joining groups, and going to conferences.

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