



1945

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Recommended Citation

Rosenberry, Marvin B. (1945) "Choice of Location and Establishment of a Law Practice," *North Dakota Law Review*. Vol. 22 : No. 5 , Article 4.

Available at: <https://commons.und.edu/ndlr/vol22/iss5/4>

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CHOICE OF LOCATION AND ESTABLISHMENT OF A LAW PRACTICE*

BY MARVIN B. ROSENBERRY, Justice of the Supreme Court

A large number of young men now completing their professional training are and for months past have been considering the choice of a place in which to commence the practice of their profession. When that choice is made they will be immediately confronted with the question of how to establish themselves in the practice of their profession. The writer makes no pretense of having any special knowledge or unusual experience in relation to either of these matters. While nearly a quarter of a century has passed since the question was before me in concrete form, no experience of my life remains more vivid than that of selecting a location and of the initial effort to establish a business. If from my experience and observation it is possible for me to draw some conclusions or offer some suggestions which will be helpful to some young lawyer who has not solved these questions, the purpose of this paper will be fully accomplished.

It has been said and well said that the choice of a location is not all important; that no matter where a lawyer locates, if he be possessed of the requisite qualifications, has the necessary energy and ability, the world will seek him out. Someone has said: If one but make a better mousetrap than any his contemporaries have made the world will beat a path to his door. While there are plenty of instances both within and without the profession which demonstrate the truth of this saying, it must be admitted that the vast majority of men are not men of unusual or surpassing ability. For the man of only ordinary average ability his future success will depend in some marked degree at least upon his choice of location, Choice of location, like choice of profession or life work, is largely a personal matter, and it is difficult for one man to correctly advise another. What is here said as to choice of location has no application to those who have existing business connections or who are able to associate themselves with established firms.

If choosing a location the young lawyer should have in mind the fact that here he will find his future business associates, the

* From Vol. 1, Marquette Law Rev., p. 159.

field of his professional endeavor, here he will establish himself as a citizen, a member of society, and in a majority of cases here he will establish his home, and, in short, live his life. Therefore other things than mere professional success and opportunity are entitled to consideration.

Many young men look for a place where there is no competition. This is a mistake. There is an old adage to the effect that where there is honey there are bees, and it is equally true that where there is business there are lawyers. However great one's preparation and ability may be, he cannot find and transact business where no business exists. Therefore the first requisite of a location is the existence of business requiring the services of a lawyer.

Many young lawyers debate whether they should locate in a large city or in a country town. Generally speaking it may be said that the difficulties of establishing a practice in a large city are much greater. The young man who goes to a city a stranger, without influential friends or connections, either social or business, to establish himself in the practice of law has before him no pleasant prospect. If he be made of the right stuff, he will, after a long probationary period, succeed. But observation shows that a large number of young men who attempt it either make an absolute failure or drift into other lines of endeavor such as insurance, real estate or other like vocations.

The young man who goes to a county town of from ten to thirty thousand population will have much less difficulty in establishing himself in business, but if successful is not likely to attain as large a success as the successful lawyer who has established himself in a large city. To my mind the greatest disadvantage of practice in the smaller communities is that one's time is likely to be taken up largely with unimportant and rather trivial affairs of such a nature that they will not bear the necessary expense for careful consideration and investigation and which fill up the time of the practicing lawyer to the exclusion of other and perhaps more important matters. A lawyer so situated is likely to fall into a routine from which in time it is difficult to escape and as a consequence he ceases to grow and develop.

Generally speaking it may be said that for the man of average ability and attainment a country town of from ten to twenty thousand, especially if it be the county seat, offers the more favorable field. In such a field the young lawyer will find a fair opportunity for the exercise of his talent and a chance to demonstrate his ability within a reasonable time, and if of commanding abilities he will then no doubt find it much easier to establish himself in a larger city. No one need be discouraged who locates even in a much smaller city or country village, as many of the best and most successful lawyers of the country have begun their work under such circumstances.

In emphasizing the business side of the lawyer's life, it will be assumed that every young lawyer will always bear in mind that he is at all times practicing a profession and not pursuing a mere

money-getting trade, that as a minister of justice he owes a duty to society as well as to his client.

Let us assume that the young lawyer has chosen his location, has procured an office, has about him the necessary office paraphernalia, in what way can he best set about securing business? In the first place, as to the office; it need not be elaborate; it should be neat, well arranged, and have a business-like air to it. He will need the reports of the court of last resort of the state in which he is practicing, the statutes, a few elementary text books, and, if he can afford it, a copy of one of the encyclopedias.

Many young lawyers commence their practice with a mistaken idea as to the attitude they should assume toward their professional brethren. There are some established lawyers who are jealous and resent the coming in of a new competitor; but there are very few of that kind. The young lawyer, if he conduct himself properly, is likely during the first years of his practice to receive more business from the hands of his professional brethren than from any other single source. Whether he receives this or it is sent to his competitor will depend very largely upon himself. The young lawyer will do well to consult his seniors at the bar in all matters relating to practice in cases of doubt. There are a great many troublesome questions which arise in the ordinary course of practice which cannot be answered by resort to text books or authority. It is a knowledge of these things that distinguishes the experienced from the inexperienced man, and the young man without experience will do well to avail himself of the experience of his seniors. This he may always have for the asking. In fact, a great many older lawyers turn aside and spend considerable effort in helping the young practitioner. He should therefore call upon all the lawyers with whom he is likely to come in contact in his practice and should so far as possible maintain friendly relations with them.

While the young lawyer may not advertise as the young merchant would do, still he may advertise to some extent. He may insert his professional card in the local papers. Naturally he will affiliate himself with the church society and with the fraternal organizations with which he has been connected. This will form a basis upon which to build his acquaintanceship. Opportunities will present themselves for the rendition of many forms of public service. The young lawyer may with great propriety offer his services in such cases. He may very properly improve every opportunity to extend his acquaintanceship and continually widen his circle of friends.

For the young lawyer without established business connections the business of collecting accounts probably presents the most inviting field. If he have the necessary tact and calls personally upon debtors and treats them fairly he will not only succeed in collecting many accounts deemed worthless, for which he will receive a considerable commission, but he will have an opportunity to approach men in all lines of business on a business basis and he will often receive business from those upon whom he calls. In fact, he may often succeed in getting accounts for collection

with an agreement that the proceeds are to be used to pay the accounts in his hands. He will have an opportunity to personally become acquainted with a class of business men who are quite likely to need the services of a lawyer.

When business comes, however small it may be or however trivial, he should give it prompt, thorough and immediate attention. The bible says: "Let not the sun go down upon your wrath," and the young lawyer might well adopt as a motto, "Let not the sun go down upon an unanswered letter or upon a piece of business unfinished which may be finished." Promptness and expedition in his business will win the beginner more valuable business friends than any other one thing which he may do. Procrastination is not only the thief of time, but it slays opportunity and prevents success. "Seest thou a man diligent in his business he shall stand before kings." In no business is this proverb more applicable than in the law business.

One of the most difficult things the young lawyer encounters is that of establishing and maintaining regular office hours during the period of waiting. A thousand temptations will assail him. The woods, the streams and the fields will call him; the golf grounds, the ball park will beckon to him. If he establish his office hours and maintain them, the chances are that his first important piece of business will come to him because he is in his office and available when others are not. Business has gone to the office of a young lawyer many times because one business man has said to another: "Let us go to Jones, because I know he is always in his office." The modern business man does not want his business attended to day after tomorrow; he wants it done this afternoon, immediately. Other things being equal, the man who renders prompt and immediate service will secure the business.

When business comes to the young lawyer he should not look at it merely as a legal problem. He should endeavor so far as possible to view the matter from the standpoint of his client and then act in the best interests of the client. Many young lawyers make no attempt to understand the business side of problems which are presented to them, and many business men complain generally because of their failure to consider anything but the legal side of matters presented to them. Every young lawyer should study the business which comes into his office from a business standpoint. This will not only help him with his client, but is very valuable in determining what procedure shall be followed and what legal principles are applicable. Every business has its unwritten laws and customs and peculiarities. If the young lawyer does not study these he is likely to make serious mistakes.

(Continued in next issue)

OUR SUPREME COURT HOLDS

In Williston Savings & Loan Association, a corporation, Pltff. and Applt., vs. Daisy M. Kellar and Joseph T. Kellar, Dfts. and Respts.

That where a transaction, between the Home Owners' Loan Corporation and a creditor of one whose indebtedness is being refinanced by the