

## Book Review

# The Complete Guide to Contract Lawyering

by Diane Ballou

*The Complete Guide to Contract Lawyering — What Every Lawyer and Law Firm Needs to Know about Temporary Legal Services*, Deborah Arron and Deborah Guyol, Niche Press, 1995.

*This review is based on the first edition. Subsequent editions have continued to expand on this base with updated information and resources.*

*The Complete Guide to Contract Lawyering — What Every Lawyer and Law Firm Needs to Know about Temporary Legal Services*, written by Deborah Arron and Deborah Guyol is a “must have” publication for law school career services offices and for law firms large and small. Deborah Arron is a former civil litigator who now presents national career seminars and workshops for lawyers. She has written two previous books, *What Can You Do With a Law Degree?* and *Running from the Law*. Her co-author is a Portland, Oregon, contract lawyer who coordinates the Oregon Women Lawyers Contract Lawyer Referral Service. This book addresses the needs and concerns of NALP members on both sides of the legal hiring spectrum by fully examining all aspects of temporary or “temp” lawyering.

As a career services director, I certainly wish I had been able to loan the book to one of our recent graduates a few months ago. Had he read it, he may have been able to avoid the problems that he encountered on his first assignment as a contract lawyer. After taking and passing the bar exam, this graduate stopped by our office in hopes of finding part-time legal work. He was conducting an out-of-state job search, which was taking longer than anticipated, and needed to make some money

in the interim to help make the transition from newly minted graduate to first-year associate. Finding an ad in our job books for contract work with a local solo practitioner, he applied for the job and easily got the work. However, after speaking with him a few weeks later, I learned that the assignment did not proceed as planned.

The assigning attorney was very pleased with the final product. But when the new graduate presented the attorney with his bill for \$1,875 (75 hours at an hourly rate of \$25 per hour), the solo practitioner was shocked. The hiring lawyer told him there was not enough money left in his business account to pay the bill in full. Finally, they negotiated a lower hourly rate, the contract lawyer was paid on the spot, and that was the end of what could have become a good working relationship between the two parties.

This unfortunate situation could have been avoided if both attorneys had read *The Complete Guide to Contract Lawyering*. Classic errors were made on both sides. The novice contract lawyer made the mistake of charging for his inexperience, and the hiring attorney (forgetting he had hired a neophyte) was not specific regarding the maximum amount of time it should have taken to complete the project. *Contract Lawyering* devotes an entire chapter to the details of the type of agreement that should have been negotiated and provides sample forms for both the hiring attorney and the contract lawyer.

Since the use of temporary attorneys has increased steadily since the early 1990s, this new

book is particularly timely. To be cost-effective, many larger firms are hiring temporary staff with specialties in certain areas as the need arises. Corporations are reducing outside legal costs without increasing their present staff to meet temporary needs. For smaller firms and solo practitioners, contract lawyers can help out when a specialist is needed or when time-consuming research becomes a burden. These arrangements are not the same as hiring a lawyer “of counsel,” for instance, because a contract lawyer does not have a continuing contractual relationship with the hiring lawyer or firm. When the assignment is over, the relationship is over.

Part II, “What Every Contract Lawyer Should Know,” answers the many questions that lawyers have when considering contractual work for the first time. The following is a short list of possible situations where contract lawyering can be useful to help smooth all kinds of career transitions.

- Many lawyers who have lost their jobs as a result of firings, layoffs, or closures venture out into solo practice. Contract work is a way to make a new practice grow and keep money coming in.
- New graduates, looking for their first job, can gain experience and exposure to employers through contract lawyering. When a small to mid-sized firm needs temporary help, the contract lawyer becomes the experienced and tested candidate. If a position eventually opens up, being in “the right place at the right time” could be a stepping stone to a permanent job with a firm.
- Lawyers reentering the legal market after a leave of absence can get back into the field by taking contract work.
- For entrepreneurial types, contract lawyering could supply the time and money to build another business entirely. Or, if someone is transitioning out of the legal profession and changing careers, the money earned could support that transition.

Part II, “What Every Hiring Lawyer Should Know,” is a guide for the firm or solo employer who may be contemplating hiring a contract lawyer and contains a handy checklist which helps employers evaluate their needs for contract help. It gives sound advice to the lawyer who is hiring the contract lawyer, including how to find the right person, striking a deal, overseeing the arrangement, and ending the relationship.

Part IV, “Issues of Joint Concern,” discusses ethical considerations such as confidentiality, conflicts of interest, disclosure to clients, division of fees, and malpractice liability and coverage. Sample engagement letters and agreements are included in this section.

One of the ways to become a contract lawyer is for an attorney to go through a temporary placement agency. Arron and Guyol include sample agency agreements and other useful information about how agencies do business and the nuances of utilizing their services from both the hiring lawyer/firm or contract lawyer point of view.

Since the last disaster with our recent graduate, there is a copy of *The Complete Guide to Contract Lawyering* on the shelf in our resource room. It has now become the “book of choice” for a few of our graduates who have recently begun practicing on their own. I can see where it may become as difficult to keep on the shelf as *What Can You Do With a Law Degree?* ■

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