



# PRACTICE MANAGEMENT ADVISORY SERVICE

June 2026

From the Desks of Your D.C. Bar Practice Management Advisors



## Flat Fees in D.C.: What Lawyers Need to Know

By Kaitlin E. McGee

Flat fees remain one of the most misunderstood areas of law practice management in the District of Columbia, and [recent ethics guidance](#) makes clear that many common approaches to flat fees can create serious problems if lawyers are not careful.

A recent [Washington Lawyer column](#) by D.C. Bar sr. legal ethics counsel Nakia Matthews highlights how the D.C. Court of Appeals, addressed in Legal Ethics Opinion (LEO) 389 (Revised), have reshaped the rules surrounding prepaid flat fees.

One of the biggest takeaways is this:

Simply calling a fee “**nonrefundable**” or “**earned upon receipt**” does not make it so.

Under the D.C. cases discussed in the opinion, advance flat fees are generally treated as client funds until they are earned, unless the lawyer obtains informed consent to a different arrangement and follows very specific requirements.

The opinion also emphasizes that lawyers should clearly define in their fee agreements when fees are earned, including whether fees are earned through milestones, an hourly rate, passage of time, or another reasonable structure.

These issues affect far more than trust accounting. They impact:

- fee agreement language
- billing practices
- refund obligations
- operating versus trust account decisions
- client communication
- and risk management overall

The consequences for getting it wrong can be significant. As the opinion explains, disciplinary complaints that initially have nothing to do with fees may still lead to scrutiny of a lawyer’s fee agreements and handling of advance fees.

For many lawyers, especially solos and small firms, flat fees remain an important part of practice, but they require careful planning, clear policies, and well-drafted fee agreements.

This month, Dan Mills and I will be discussing these issues in more depth during both our [CLE program](#) and our [Managing Money](#) program. We’ll cover practical approaches to fee agreements, flat fee structures, trust accounting practices, and common mistakes we continue to see in practice.

If your current fee agreement has not been reviewed recently, or if these developments raise questions about how your firm handles prepaid fees, we encourage you to join us.

PMAS provides free, confidential consultations to D.C. Bar members. To learn more, contact [pmas@dcbar.org](mailto:pmas@dcbar.org)

## Basic Training & Beyond

If you're starting a firm, [Basic Training & Beyond](#) is a great jumping-off point. Day One will teach you the essentials to get your firm off the ground, and Day Two will help you grow and manage your firm.

**Here is how to start, grow, and manage a law firm in a large, urban market.**

Our monthly [Basic Training & Beyond](#) is set for **June 2 & 4, 2026, from 9:15 a.m. to 4:30 p.m.** We will meet in person in the Williamson Conference Room on the third floor of Bar Headquarters. The program is presented monthly for members and law firm staff.

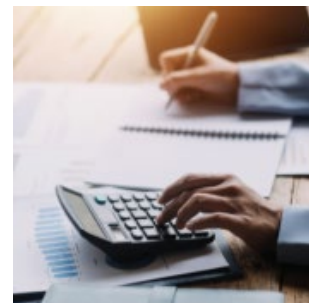
*This program has been presented more than four hundred times for more than 5,000 lawyers over the last seventeen years, and many have launched and are now operating small firms. We stay connected with many small firms, and what we learn informs the content for this program.*

## Managing Money

### [Managing Money](#)

Our next in-person session on Managing Money is **June 22, 2026, from 9:00 a.m. to 12:30 p.m.**

We also present Managing Money on request for a law firm or organization.



[Register for an upcoming session or schedule a session for your firm here.](#)

## Lunch and Learn

PMAS is collaborating with the [Law Practice Management Community](#) to bring you the following Lunch and Learn program:

- [June 25 - I Hope This Message Finds You... and Other Signs You're Using AI \(Wrong\)](#)

All programs begin at Noon on Zoom. Register for any or all [here](#).

## Practice 360°

### [Practice 360° Returns October 7, 2026](#)

This year's theme is **Thriving in Difficulty**.

Lawyers are navigating economic pressure, shifting client expectations, new technology, marketing disruption, and ongoing uncertainty. Yet many are still finding ways to grow and move forward.

Practice 360° will focus on what is helping them do it.

Expect practical sessions on the habits, strategies, systems, and decisions that help lawyers succeed during challenging times.

Featured presenters include:

- **Michelle Cotter Richards**, opening the program at 9:00 a.m.
- **Conrad Saam**, presenting 4 Agentic AI Agents Your Marketing Needs
- A program with the **D.C. Bar Lawyer Assistance Program**

- An afternoon **CLE with the D.C. Bar Legal Ethics team**

Additional sessions and speakers will be announced as the program develops.

### Successful Small Firm Course

#### **Are you interested in a business incubator approach to growing your law firm?**

Consider working with us on an individual basis. We offer the **Successful Small Firm Practice Course** in a series of one-on-one sessions on Zoom.

The Course serves as an incubator for solo attorneys and small firms and helps them work through their business and marketing plans with support, feedback, and guidance. Lawyers focus on the type of firm they want to create and work through the Course at their own pace with built-in accountability for achieving their business goals. If you are interested in this approach to creating and growing a law firm, contact [PMAS@dcbar.org](mailto:PMAS@dcbar.org).

### Resources

Upcoming DC Superior Court Pro Bono Open Houses, cosponsored by the [Washington Council of Lawyers \(WCL\)](#), will introduce you to two of the high-volume branches in DC Superior Court where pro bono representation is greatly needed. You'll observe court proceedings, meet with judges, and find out how to get involved.

- [Domestic Violence Division Pro Bono Open House](#) on Thursday, June 11, from 12-1:30 p.m., to see how you can help survivors of domestic violence secure civil protection orders. [Check out the WCL website for more information and registration.](#)

- [Domestic Relations Branch Pro Bono Open House](#) on Wednesday, June 24, from 12-1:30 p.m., to see how you can help families resolve child custody disputes. [Check out the WCL website for more information and registration.](#)

**Missed any of these recent sessions? You can [access the recordings and materials anytime.](#)**

Here's a glimpse of some recent sessions:

- **Lunch and Learn: Legal Design for Small & Medium Firms - Clarity, Compliance & Client Trust**
- **Recruiting and Hiring 101| Where to Start When You Are Ready to Grow Your Firm**
- **Can a Newsletter Really Help Grow My Law Firm?**
- **Can Your Fee Agreement Get You in Trouble?**

If you are interested in a practice management assessment, [click here.](#)

– Kaitlin & Dan

#### **In other news . . .**

[Legal Ethics Opinion 392](#), Relationship Between Rules 3.3(d) and 1.6(d) in Civil Matters

For more information on the D.C. Bar Practice Management Advisory Service (PMAS), [click here.](#)

#### **CLE, Communities Events & Pro Bono:**

**Continuing Legal Education** programs are [here.](#)

**Communities Events** are [here.](#)

**Pro Bono Center** training programs are scheduled [here](#).

**Our Practice Management Advisors are:**

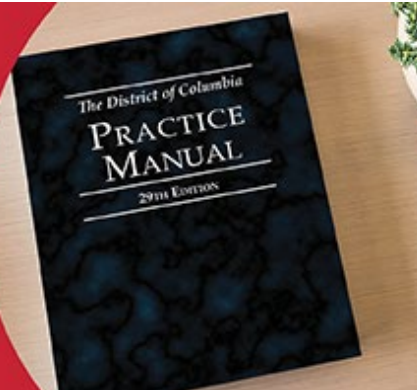
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Practice Management Advisors have a free and confidential relationship with D.C. Bar members pursuant to Rule 1.6(j) of the D.C. Rules of Professional Conduct.

## District of Columbia Practice Manual

Every D.C. Lawyer's Must-Have Resource



This two-volume title, typically priced at \$495, is being offered to subscribers of this newsletter at a discounted rate of \$450. To obtain the discount code, please reach out to [communitiesregistration@dcbar.org](mailto:communitiesregistration@dcbar.org).



[Practice 360°](#) | [Courses and Trainings](#) | [Mentoring Resource](#)