Successful Small Firm Practice Course

District of Columbia Bar

September 27, 2021

Session Three

Ethics, Management & Staff

It starts with . . .

Discerning -

the essential from the non-essential

Focusing -

on the essential

How do you do that?
By answering these questions:

Why am I here?

What's going on around me?

What am I going to do about it?

How will my actions affect others?

The result:

Clarity

Awareness

Ability to adapt & shape circumstances

Resilience

Rules drive behavior

Rules set a standard of care

Some say “**shall**”, some “**may**”

Rules drive how we manage

Be alert for **informed consent**

Managing is simple

It’s figuring out what to do

Doing it habitually

Creating good habits

Making checklists

Creating [workflows]

Following-up


Planning
Organizing
Staffing
Directing
Controlling
Management
functions

Managing gets complicated when it’s neglected

The upside of managing

You are above the standard of care;
You are building credibility;
Clients are happy;
Others are impressed;
You have space & time to be a lawyer

The downside of neglecting

You are vulnerable

You spend more time on your problems & less on client problems

You live & work under a dark cloud

Good management takes less time than bad management

Getting started

Form the intent

Create the time & space

Pick a tool

The tools

Pens & paper

Computer & software

The Plan

Concept mapping

Spreadsheets & databases

Calendar

The power of *now*
&
the power of *no*

Client intake

Draft the process of how a PC becomes a C

Going from Prospective Client to Client

Create the intake form

Client intake triggers

Rule 1.18

How are you contacted?

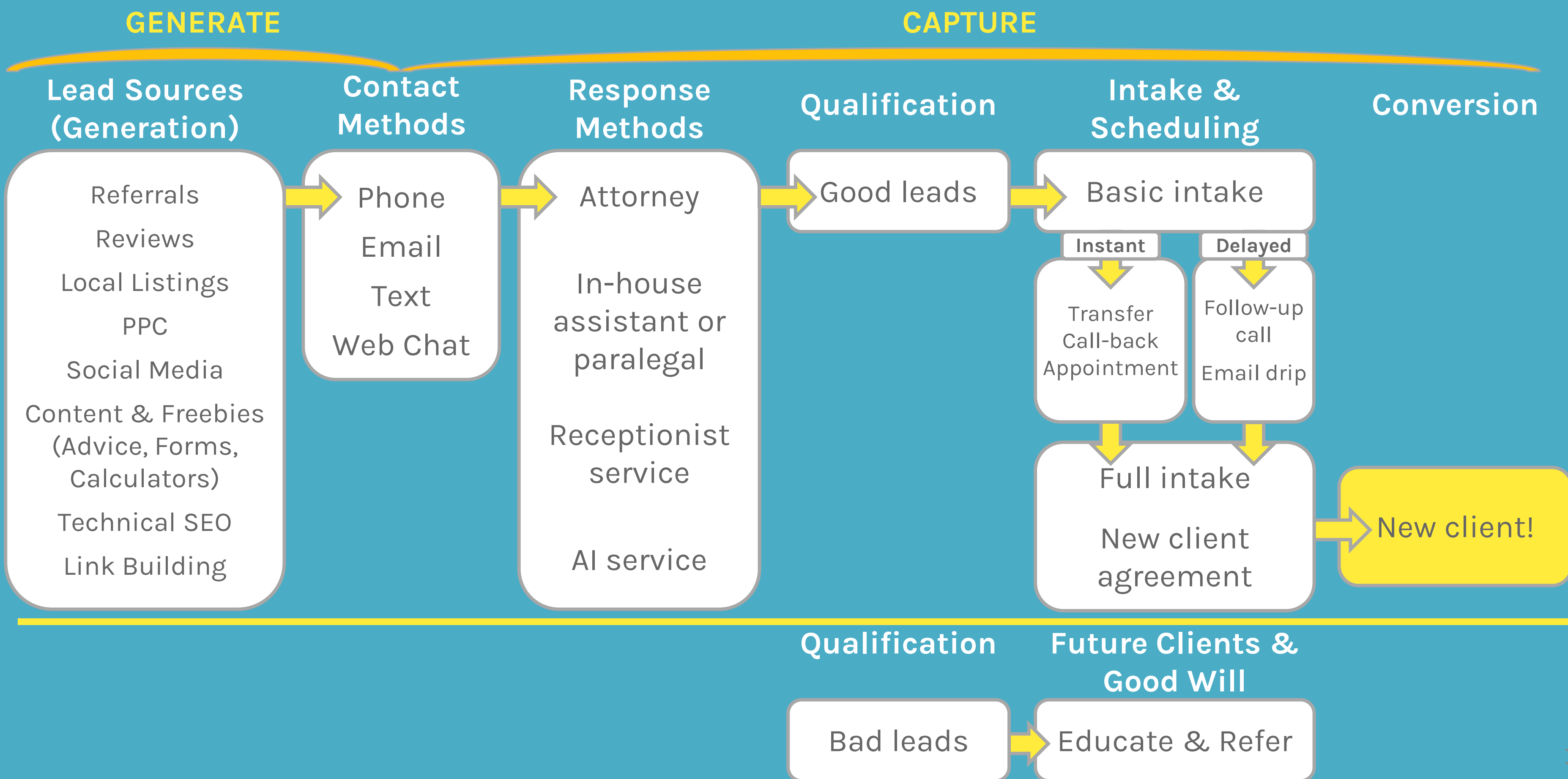
How do you document?

What do you create?

How do you protect?

LEAD CONVERSION FLOW

smith



Would you put your intake form on your website?

Bailey & Galyen has several here

Does it need a disclaimer?

At what point do you have a "prospective client"?

Managing referral sources

Harvest this information

Thank them without violating

Rule 1.6

Market to referral sources

The Practice by Brian Tannebaum

File creation, organization & maintenance

How you organize this process will impact you & the client.

How you carry it out will be key to your client's solution & to your success.

It once was this simple

Client data now has multiple forms, formats & locations

Paper
Digital
Images
Video
Audio
Various formats / various devices

It is all a part of the client file

[LEO 333]

Know what & where the data is;

Organize it, protect it, back it up;

Manage it & keep it useful;

It belongs to the client.

Are you preserving texts?

[Phoneview]

[Saving text messages]

[Documenting text messages]

Sample file workflow

Client intake tool / conflicts check

New matter sheet

Calendar system

Billing system

Case management system

Ideally all should be synced

Conflicts checking resources

LA, not DC compliant

Ask for our Conflict of Interest Systems publication

Sample client/problem workflow

Client intake completed

Fee Agreement

Communication protocol

Cause of action / SOL

Notice issues

Pleading preparation

File closing workflow

Review scope in the fee agreement

Disengagement/status client letter

File organization & closing

Billing status & conclusion

Client trust account status

Archiving the file & data

Take aways for the Plan

Time & billing workflow

Client established

Fee agreement reviewed

Data entry following action

Draft of report

Finalize & send

Followup

Communication workflow

Client established

Fee agreement reviewed

Initial client letter

Work product transmission

Third party information

Status reports

Disengagement / conclusion / file

Management Tools

Clio a DC Bar benefit

Rocket Matter

MyCase

Cosmolex

The FormTool & Doxsera

Smokeball

TrustBooks

Staff

How to determine the need

How to determine the cost

$70K is really $88K

True cost of an employee

Keep payroll well below 40% of revenue

How to Evaluate Law Firm Financials

Hiring resources

Mechanics of hiring

12 Step Checklist for Hiring

DC Department of Employment Services

Employer's Guide to DC Employment Statutes

The uniqueness of [Rule 1.6](#)in DC

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Follow

Here's a photo of Ty Cobb & John Dowd casually & loudly discussing details of Russia investigation at @BLTSteakDC while I sat at next table.

11:10 PM - 17 Sep 2017

6,218 Retweets **13,078** Likes

Speaking of Ethics by Saul Singer

DC is Different

The scope of information protected by D.C. Rule 1.6 differs from its ABA analogue. While the Model Rule protects “information related to a representation,” the D.C Rule protects “client confidences and secrets,” which includes not only information protected by the attorney–client privilege under applicable law, but extends to any information “gained in the professional relationship that the client has requested be held inviolate, or the disclosure of which would be embarrassing, or would be likely to be detrimental, to the client”—whether or not such information is related to the representation. This includes not only information gained from the client, but also information gained from any other source through or in the course of the representation.

For Session Four
October 4

Create your intake form

Create a file management workflow chart

Create your pitch

An introduction that defines the problem

And it happened in an elevator