

Managing an Office in a Legal Setting in the 21st Century

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Abstract

This article is written with the legal practitioner in mind. Specific suggestions and recommendations are provided to improve and maintain professional relationships with clients. The use of effective office management procedures and processes will also improve the operation of a legal practitioner's overall service delivery to clients and to the community. Among the most important aspects of effective office management in the legal environment is the use of effective client-centered office management principles. This article further explains basic principles associated with effective office management in the legal setting, covering a wide array of topics relevant to any office manager working in the legal field.

The modern office in a legal setting – especially in the criminal justice system – faces the dual challenges of economics and ethical/professional management. At times, the two are in conflict; at other times, the two are running parallel and are on track. This dichotomy is a function of choices as to the proper and effective management of a law-centered office. The conflict between the two occurs at times because of those choices. For the economic part of the equation, the choices, if made properly, can include sound business practices and is oriented toward the absence of deficits or profitability while choices for the ethical part of the equation involve the rules of professional conduct and professionalism and are oriented toward protecting the individuals in the criminal justice system. To the degree that one operates an effective client-centered office, the two must converge. But, the key consistent element is centering the office to those who receive or use the services – whether in a public defender’s office, private law practice or even in the prosecutor’s office.

Although there has been a great deal of change in law-centered offices, one thing remains constant – a person comes to a legal professional for assistance in solving a problem which involves that person’s interface with the legal system – and, in particular, the criminal justice system. In part the client is frustrated because he or she cannot solve the problem alone and help must be sought. The fundamental role of the lawyer is as problem solver. At times, lawyers fail to appreciate that role and will turn away opportunities during the representation for conflict resolution because of the perceived or personal desire or a perceived need to “win.” In considering the last comment, one often turns to the early days of Abraham Lincoln when he proclaimed the basis of his practice was to solve problems.

In reality, however, the client owns the legal problem and is an indispensable partner in the resolution of that problem. Because the matter involves the criminal justice, there is no less of a need to focus on the client. Interestingly enough, the new Restatement on the Law Governing Lawyers recognizes that principle in a meaningful way. It introduces the concept of “informed consent” on the part of lawyers and clients (American Law Institute, 2006). This principle, which is now also articulated in the ABA Model Rules states, largely for the first time in clear language, the notion that the client is in command of major decisions and is the focal point of the services that are provided by the practitioner (American Bar Association, 2003). It has long been established that fundamental agency principles form the basis of client-centered law practice. The lawyer is an agent for the client and has the power to act on behalf of the client but only at the client’s direction except as to procedural issues.

The success of an office in a legal setting is dependent upon the application of client-centered principles. Simply put, if the lawyer follows the legal wishes of the client with regard to the matter and keeps the client fully informed, the lawyer starts down the path to client centered practice. Then there are second steps and these include actions which look at the conduct of the legal matter from the perspective of the client. This too means keeping the client informed; but more than that it requires the involvement of the client in key decisions. From the perspective of the case, the client is, as was said above, an indispensable partner. The client has a sense of satisfaction and returns to the lawyer. There are some fundamental foundations for the client centered practice:

- 1) Two Way Communication
- 2) Shared Information
- 3) Joint Decision-Making

- 4) Early Information
- 5) Follow-Through
- 6) Follow-Up
- 7) Fee Structure
- 8) Client Satisfaction Survey

Building positive relationships with the client is essential. Lawyers who treat the client with disdain or who fail to follow fundamental principles of client-centered thinking are setting themselves up for client dissatisfaction while this leads to grievances and ultimately to the risk of malpractice actions. It is all too easy to fall into this behavior when involved in the criminal justice system. But most of all, client-centered law practice allows the client to appreciate the work of the lawyer and to understand the work of the lawyer and this leads to a better sense of the value received for the fee paid. Putting the client at the center of the practice is more than how the case is handled. It is a type of thinking that covers every aspect of the practice from the hiring and training of staff to the process of determining client satisfaction and everything in between.

Some might suggest that some clients approach lawyers with disdain and distrust; and therefore, the response of the lawyer is natural. Quite to the contrary; lawyers individually and to some degree as a profession create those feelings by disdainful treatment, disrespect, distrust and manipulation. The most important aspect of the client relationship is the client's need to tell someone his or her story and to have acknowledgment that the lawyer has heard the story and acknowledged it. Above all else, it is the duty of the lawyer to take the steps to implement client-centered lawyering and to improve his or her client relations skills. In short, the attitude who seek help in the legal centered office is not an excuse for such behavior by the professional.

No subject causes more dissension between lawyer in private practice and client than the fee. In large measure, the problem is one of failure on the part of the lawyer to properly inform the client, to properly determine fees so that they can be explained, to properly negotiate fees so that the client feels comfortable with the amount and the methodology and finally to explain the basis for the fee so that the client knows why the particular amount is being charged. Often fees are a matter of the local custom or “what other lawyers charge” rather than a carefully determined number which is a function of actual costs and reasonable profit.

Finally, the execution of an appropriate engagement letter assists the success of the lawyer in building a client-centered practice (Altman, 1997; Haydock, Knapp, Juergens, Herr, & Stempel, 1996). The format of the engagement letter is less important than the content and the tone. It does not have to be in the form of a letter or a contract or a memorandum. There is no mandated form. Rather it is the content, tone and language which make an engagement letter successful. Obviously, the engagement document must inform and must protect both parties; but it also must inform and leave the client with a sense of mutuality and confidence that the client’s matter is going to be protected (Altman, 1997; Haydock, et al., 1996). Some key client-centered concepts in good engagement letters are:

- 1) Comprehensive – the agreement represents the full fee process
- 2) Understandable – the client can go back and know the basis of the fee
- 3) Complete – the agreement sets for the nature of the work to be performed
- 4) The product of negotiation
- 5) Honest

Agreements which clearly delineate the responsibilities and the duties of both of the parties and which are the product of the understanding the lawyer and the client reached are much more likely to be successful. Finally, there is timing of the financial relationship of the parties. That too has client-centered aspects. The fee should be discussed at the time of the first meeting and finalized when the lawyer and the client have agreed to legal services- as early as possible in the relationship. Fees which are determined after the relationship has commenced are subject to criticism for fairness. At the first meeting, the lawyer should discuss how he or she ordinarily charges for legal services and if the meeting concludes with an agreement to represent, agreement as to fees and as to costs should be completed. The agreement is followed by a writing. If the agreement is to take place at a second meeting, then that meeting should be following by the writing. It is equally important to prepare a writing if there is no representation. A client, who leaves a lawyer's office reasonably believing that some additional service or information is to take place in the future, may well bind the lawyer.

It is important to emphasize that the lawyer/client relationship begins when the *client* reasonably believes it has begun and is not determined necessarily when there is a finalized engagement agreement. Thus, if the potential client leaves the law office and it is the lawyer's belief that nothing further is to be done, a letter should go to the potential client thanking them for the visit and confirming that no relationship was established. When in doubt, write a letter. More than a requirement, writing a letter is an indication of the lawyer's focus on the client.

Financial and Accounting Procedures

Although it is many things, a law practice whether private or public is a business. Regardless of what type of business is involved, good management is an essential quality and the same principles of good management apply equally to a law centered offices as to any other type

of business. It isn't enough to achieve great success by building a better mousetrap or being the most successful lawyer. That success does not in and of itself build a successful and efficient business or practice. Although being a good lawyer is the foundation of the firm's success, it takes much more and in particular very good management. This is true in a public law practice and in a private law practice in the criminal justice system.

There are two important initial items consider in working toward good management: 1) Your firm is not too small (even if it is just you and a computer) to consider and implement most if not all of these items, and 2) these are procedures and documents that should reflect your law firm and should be used every day. Everyone in your office should know the procedures you establish. Remember, your firm's success does not occur by accident. Your success is a planned event and is one that you plan.

Financial-Related Issues

All law firms – public and private – like all success businesses, no matter how small or how new, should have a written annual and monthly budget. This budget should be reviewed regularly to determine if you are achieving goals. Ideally, you should consult an accountant familiar with law firms of your size who can objectively guide you in designing and implementing a budgetary project. Your budget should include all fixed expenses for the coming year on a month to month basis.

In addition, you should know when all of your accounts payables are due. This will help with cash flow. You should have a chart in Excel or Quatro Pro listing all of your fixed expenses, the amounts due and dates due, and you should meet those dates.

You should have a projected budget for non-fixed expenses such as education, publications, marketing/client development, and supplies. If you have been in practice for a few years, you

should be able to know what you spent each year on these expenses to make an estimate for the coming year. You should be able to compare months and years to determine differences or when there may be a greater need for cash.

You should have a separate technology budget for at least the next year, preferably longer. If you have others in the office, get their input on what problems they may be currently having and what types of purchases may be needed both for hardware and software with the next year. Your tech budget should include the cost of training. You should also project how long your technology will last and when all or parts will need replacement so that you have funds to do so. You should buy technology that has the greatest flexibility and growth potential. You should also try to purchase technology in stages so that it all does not need to be replaced at the same time.

Your budget should have a segment for projected income. That is a budget of what fees you will need to generate in order to meet expenses. This is a figure that should be constantly on your mind through out the year and should be reevaluated on at least a quarterly basis to determine how close or how far you are from your projected income. Your budget should also consider the needs of your firm for the year so that if one quarter sees a large income from a case, you need to project out how that income will cover your expenses for the long term. Your budget for your expenses lets you know how much you need to just cover expenses, but you will also have added in your own salary. Lastly, invest the time and effort in competent budgeting and review to maximize the potential of your practice. The information about your budget should be readily available and in a format that you can read and understand.

Billing and Collection

All clients should have signed written fee agreements; that's right - ALL. At a minimum, all new clients should receive a fee agreement. They should understand that little or no work will begin on a matter until the fee agreement is signed. There should be a mechanism for knowing whether or not a fee agreement has been signed before putting too much time into a matter. The client should clearly understand the language of the agreement in order to avoid problems during the representation. That is your job!

Likewise, you should have a written billing and collection policy. These policies should be given to the client at the initial interview and explained. There should be written policies for billing and collection even for contingency work. The policies should state the procedures for out of pocket expenses, replenishing the account for expenses, payment from fees for outstanding expenses. This avoids misunderstandings by the client and especially by staff members. There should be a clear protocol for collection.

You should be using a software program for your time and billing, and ideally you should be entering time as you work on a client. At a minimum, you should be recording your time daily. If you spend 8-10 hours at the office or on work related matters, you should be able to account for all of those hours. If you lose just one hour a day at \$100.00 per hour, you have lost \$25,000 in a year (assuming you take a vacation for two weeks). These are fees that are simply lost because you did not account for your hours. So too, your hourly rate should be a reflection of your expenses plus a reasonable profit.

You should bill all your clients monthly and immediately at the conclusion of a matter. If you work on client during a given month, that client should receive a bill. Also, accounts receivable should be monitored monthly or weekly if necessary. Someone should have the responsibility of knowing which clients owe money and when payment is expected and you

should review reports on a regular basis even if someone in your office is monitoring them. There is no greater incentive to collection and to improving your practice than knowing your receivables (or lack thereof.)

If you are waiting for payments from clients, you should have the person in your office who is responsible for the bank deposit give you a list of all payments each day. The list of current payments should be attached to a sheet that lists from whom you may be expecting payment. Follow up on that list of expected receivables on a regular basis. You should get a retainer from nearly every client, even cases which are on a contingency. This gives the client a stake in the case and an incentive to cooperate and to work with the lawyer. The retainer should at minimum cover initial expenses to reduce the costs to your firm. All retainer accounts should be monitored monthly to make certain that account is not being depleted. Let the client know if you plan to ask for an additional retainer if the account gets too low. You should do everything you can to get expenses up front. Consider using the retainer to apply to last invoice. If you plan to do that, make certain that you have it in your fee agreement and that you return any money that is not used as soon as the matter is completed. Even in the public law centered office, such as a public defender or guardian ad litem, the costs of running the office and the per client expenses are equally important for purposes both of accountability and quality.

Trust Accounts

Make certain that anyone in your office (including you) has access to both local rules and ABA Model Rules 1.15 regarding client property including money. Everyone should know the rules for proper handling of trust accounts. Training must be provided since it is the firm's responsibility. Remember you as the lawyer are responsible for both training your staff and supervising their knowledge of this important issue.

Without fail, make certain that you reconcile your office and trust accounts monthly. Most of the software programs used by solo and small firm practitioners such as Quicken or Quickbooks make this a fairly easy process. If this task is assigned to someone else in the office, make certain that you review it or have your accountant review it regularly and listen to the advice and information your accountant provides to you. You are responsible for all errors. Make certain that you have separate client ledgers for your trust account. This does not mean that you need separate accounts, just separate records. Make certain that they reconcile each month. Your bank can set up subaccounts that will make this process very easy. Deposit checks every day without fail. Consider having operating and trust account checks in different colors or a different style. When paying expenses from your trust account either to an outside vendor or for work you have performed, send the client a statement indicating what is being paid and the account balance. If you draw money to pay yourself, obtain your client's consent in writing. Consider keeping trust account and operating account checks in a locked cabinet with only a limited number of people having access to the key. Develop a relationship with the bank manager at the local branch where you do your banking. This is especially helpful for solo practitioners. Most bank managers in local branches are excellent sources of information and referral sources.

Although most solo and small firm practitioners do not need monthly accounting services from a CPA, you should have relationship with an accountant or accounting firm. This is a person who can answer questions, help you develop your systems and provide with an objective and detached view of what you are doing. Your accountant should be able to assist you with budgeting, cash flow, and supervision of your trust accounts. If you have accounting skills or even are a CPA or MBA, you should still have a relationship with someone else who can

independently verify that you are keeping your records in a proper fashion. Remember the adage about a lawyer with a legal problem that he or she handles for themselves.

People Make a Quality Law Firm

Compensation is the largest portion of the law firm's expenditures. This is in large part because law firms are a service industry and the bulk of the work is providing services. It follows therefore that people who are providing those services are the key to the success of the firm. The people who are working with and for you must be the very best because they can make all the difference in the ultimate success of your practice. It is easy to dismiss that statement and to seek workers who are willing to accept a lower wage or to fail to engage in a careful search for workers – professional or non professional. But the reality is that your ability to deliver your skill – lawyering depends on having key people in positions of responsibility with the proper skills, attitude and willingness to follow through on the mission of your firm. Although this component may seem obvious, it is often neglected.

What follows are some abbreviated but very critical procedures and concepts that must be in place to insure that your staff will be effective and will contribute to the success of your firm. The rules apply equally to the public or private office in a law centered situation in the criminal justice environment. Perhaps because the criminal justice “world” involves interpersonal situations which are largely negative, there is an even greater need for the exercise of these principles.

Interviewing and Hiring

When interviewing candidates for a position, be brutally honest regarding the tasks that need to be done. The commitment of time and the people involved. It is better for them to

understand what they are facing then to have to learn it on the job. Remember that replacing an employee is costly, time consuming, and impacts on the delivery of your services.

Tell a candidate what future roles/tasks you may want the person to assume. Share with them your vision of the growth of the firm and how you see their role in that growth. This is extremely important if you plan to have your firm grow. Be honest about “personal” qualities you expect from a new employee beyond just skills. These can include punctuality, attention to detail, great phone presence, appropriate dress, demeanor, etc. If possible, have prospective candidates meet others in firm. This is extremely important in small firms because personalities are crucial. It is also important to gain another perspective on the candidate. Different people see different things and you need all of that information in making an employment decision.

When a new employee starts, have a checklist of items to be discussed the first few days and what tasks you want the person to handle at first. Give the person some training and orientation to the office and the tasks. Allow the person to think how he or she wants the area of work to be organized. The ergonomics of an office, of a desk or work station are very important to the success of the product.

Despite the “norms” of office hours, sometimes it is important to consider flex time, working at home, etc., in order to gain a good employee. Sometimes the best employees will be individuals with family obligations and a little flexibility. Sometimes if you cannot compete in salary, you might be able to attract a top person who would like to work four full days, for example, and work at home on the fifth day. Flexibility is the key to securing employees in today’s market.

Policies and Procedures

Every firm no matter how small needs policies and procedures, and all of these policies and procedures should be in writing. In the public setting, some will be set by a governmental agency. That does not remove the need for procedures and policies in the law centered office. There are two reasons for this. First, you may not always be available to answer questions, and second you need to have consistency in the office. You also don't want one employee to take on the responsibility of setting office policies in your office especially in an "off of the cuff" fashion. There are places to obtain policy manual models. As you develop policies, it is important to involve your staff members so that they readily accept the policies as something in which they have some ownership. In addition, staff members who are doing the day to day work of the office have ideas as to best practices.

Before hiring anyone, you should have policies on time off, office hours, vacation, insurance, holidays, etc. You can always add to the policies but you should have some of the basic items. All policies should be administered the same for the same level of employee. Policies need to be enforced especially if you have more than one employee so that there is no opportunity to take advantage. There are also state and federal laws about the award of benefits.

Even if you are working alone, you should start to put in writing all steps for all the procedures in your office. There may well come a time when you are not available – even for a short period of time – and having something in writing assists the person or persons who have to fill in for you. You might find yourself particularly busy and need to hire a temp to get the work done. If you have to sit with the person and explain everything from scratch, you are simply adding to your burden and decreasing your efficiency. The policy manual for a solo is a working document. You should have procedures for answering the phone, handling the mail, opening a document, maintaining your database, and doing billing and collections. The

procedures should be simple and followed by anyone new coming into the firm. After you hire an employee, you should have that person continue to add to the procedure handbook. You should have a folder in your file manager in Word or Word Perfect where all procedures are kept.

Motivation and Incentive

Make certain that your secretary/staff are treated as integral members of the firm and the firm's success. All employees want to feel as though they are making a contribution and that the contribution is being recognized. It is also important to receive the ideas, experiences and information that these individuals have to offer you. The team approach works well in most circumstances. It is good practice both for the success of your firm, for your clients, and for your staff to introduce your staff to your clients. There will come a time when the client has to interact with the staff member and that contact will make a significant difference. In addition, the staff member will have more confidence in dealing with the client. Lawyers sometimes believe that such contact diminishes them; but in fact it is more effective. Courtesy is often lacking in the law firm as it is in the practice. The lawyer's ability to retain employees is a function of that courtesy and of thoughtfulness. Saying "please and thank you" are not indicators of weakness. Encourage your staff to ask questions about the client work and the work of the firm. It is important for everyone in your firm to understand as much as possible about the business and the clients. At the same time, it is important to train your staff about the importance of confidentiality and the methodology of keeping client matters confidential. Again, this is your obligation.

Share your enthusiasm for your practice and your clients with your staff. Share with the staff the excitement of getting a new client or winning a big case. Excitement and enthusiasm is both contagious and energizing. It will give your staff a sense of purpose. Do not assume that

staff members understand the concepts of excellence or quality client service. It is your responsibility to constantly reinforce to your staff what you expect from each of them. While you are at it, you have to determine whether you really understand excellence and can communicate it. The same is true for quality client service. Training is the key to the success of any enterprise and is no different for a law firm. Assuming that training can be completely “on the job” is a foolish approach doomed to failure. Staff people need to know the rules, the procedures, and office operation, as well as substantive training in the work they do; and most importantly, the rules of professional conduct and the role the staff people play in maintaining those rules.

Supervision

All law firm staff members must have written job descriptions. They should be evaluated using these descriptions and should know what is expected of them in their jobs. You should meet with staff regularly to review the progress of work in the office. This is especially important for practitioners who may spend a lot of time out of the office or consumed with one or two extended cases. Don't just expect that a staff member is doing her job and that is enough; or the popular expression, “If I do not say anything, you are doing fine.” Not only do employees need a pat on the back; they need specific feedback.

Responsibility for supervision should be allocated to support staff. The office should use a pyramid approach where the lawyer or lawyers are on the pinnacle and others spread out below and take responsibility for supervision of newer or lower level employees. Even if your's is a solo practice with more than one employee, consider a tiered approach so that the daily responsibility of supervision is not on the lawyer. But, ultimately the lawyer has the responsibility under the rules of professional conduct; so whatever system is established, there must an effective supervision system. Staff should be taught how to deal with unpleasant or

aggressive clients and staff should be supported when dealing with difficult clients. As was just prior noted, training is an important part of the responsibility of the lawyer. One of the most important issues which must be effectively covered is confidentiality. You should provide training to staff on a variety of topics, such as ethics for the law firm, handling trust accounts, law office management, in addition to technical training.

Encourage all staff members to give suggestions on improvement of tasks performed in the firm. Having a system for suggestions must be well formulated so that it does not turn into a complaint approach. One of the most important ways to avoid the suggestion becoming a complaint process is to make sure that the person who provides suggestions knows that the suggestion has been received and is being given some degree of consideration. Obviously, some things cannot be changed; but giving an opportunity to be heard is a valuable management technique. Require those who give suggestions to also offer a possible solution. As often as possible, give your secretary/staff adequate time to complete assignments.

Good supervision requires two major steps. First, make sure that those whom you supervise fully understand the task you have assigned to them and if the task requires learning skills, give them the chance to do so. Second, provide adequate time to complete the task. Provide a mechanism through which a staff member can tell you without penalty or anger from you that the project is behind. Often, staff members are reluctant to report that a project is running late because of fear of the consequences. This should be approached as a problem that needs a solution, not a source of being disciplined. Give the staff member some space without micromanaging or watching every step unless or until there is some evidence that the staff member cannot complete the task.

Good supervision requires good techniques to both teach and discipline. Staff should not be disciplined in front of other staff members. The goal of discipline is teaching unless the problem is so severe that you are dismissing the staff member. Assuming that you wish to keep the staff member, it is important for the person to understand the nature of the effort, the technique to correct it, and that this is an opportunity to see that it never happens again. Anger has no place in this process. Because of the cost of replacing employees, it is important to err on the side of helping the employee to find effective ways to correct the error. The lawyer's role in supervising in the law centered office is governed by Rules 5.1, 5.2 and 5.3 of the ABA Model Rules of Professional Conduct (American Bar Association, 2003).

Choosing Clients Wisely

The other "people" issue that contributes to the success or failure of a law firm – especially a solo practice – is the careful and wise selection of clients. It is probably the most difficult for a solo or small practice because each client represents the potential fiscal success of the business. Most client problems can be avoided by taking the time to choose clients more carefully. In fact, the wise selection of clients contribute to the fiscal success of the business; so it is okay to say "No" to a potential client (American Law Institute, 2006).

Client Selection Procedures

Regardless of the size of your practice, there should be client acceptance procedures. (The ability to walk upright and breathe are not criteria for accepting a client.) Choosing the "wrong" client and then spending the next two years dealing with that client and perhaps trying to get out of the matter is not a good or effective use of firm time and resources.

Start with a description of the type of clients that you do want for the success of your practice. If you are not sure or not convinced of what constitutes a "good client" for your

practice, then take a look at your current client base and determine the clients and case types with which clients you enjoyed working and the clients who treated you with respect. While clients who pay their bills on time are important, there are other considerations when evaluating the client.

One of the most challenging decisions is spotting the clients who should be avoided. You and everyone in your office need to know who that client is and why. Should other lawyers in your office, or shared space or staff members bring clients to you, it is important to discuss the types of clients that you want to avoid. If you are a solo, then you alone must have the final say about who is and who is not accepted as a client of the firm. If you have partner(s), you should have a system of evaluating potential clients along with some criteria for clients and there should be an approval process for clients. That same technique, less formalized, should be in place for solo firms as well. Take the time to think about the person who seeks to be your client, and don't "accept" the case or the client until you are fully confident that the case and the client will be such that you will be able to provide legal services and that you will be able to work with the client. These are important decisions and well worth the investment of time and effort both in the development of the criteria and systems and in the final process of determination. The specifics of your "ideal" client should be in writing and understood by all in our firm. The following is a partial list of the types of clients one might seek to avoid.

--Clients who come to you right before a legal event such as the day before the hearing; despite having had early notice of the hearing.

--Clients whose primary motive is hate or revenge. You do not want to get caught up in that type of battle; these folks often do not have a real legal agenda and if sufficiently angry, they

will not stop at the border of ethical or legal conduct; nor expect you to do so. It is very important to understand client motivation at a very early stage.

--Be very wary of clients who say that “this matter is not worth much but if you do a good job, you will receive future business.” That type of client probably is simply looking for low-cost legal services and future business will be evaluated in the future. If you do a good job and create a happy client, the business will follow.

--Be careful of clients who cannot or will not commit to the matter. You should always ask the client if he or she has seen another lawyer about this matter. If they answer yes, proceed very carefully and inquire as to why the other lawyer or lawyers did not take the matter. The same is true for a client who has retained a lawyer before in this matter and now is looking for a new lawyer. This could be a huge problem for you; be wary.

-- Listen to what a potential client says to you. If the client gives you warnings that he or she wants to be in charge and wants to control the case, you need to take the case only on the grounds that you will direct the major tactics of the case. Otherwise, you will be fighting two battles – the case itself and the client.

--Be sure you understand the outcome the client is seeking. The issues of hate and revenge have already been discussed; but you should be careful about the person who seeks to change law or who has unrealistic expectations of the case. This is a person who is going to be a challenge when it comes time to seek a settlement

--Clients who want to engage in a bargaining process are clients who enjoy this process and will want to bargain over everything from fees to costs to expectations. You take that client at a risk.

If the client does not show up for the first meeting and especially without having either called first or called during the time of the meeting, this is a person who should who you probably do not want as a client. Not only are there reliability issues, but also issues of responsibility and commitment to the case.

You will decide about accepting the client; don't act in a way to create the impression that you have taken the case; but you might find that you have – even if you did not want it. Also, if you decide not to accept the case, put your decision in writing and make sure that you keep a copy of the letter for the future. You might even want to consider sending the letter so that you have a signature of acceptance as part of your record. Remember, you have the choice and you should exercise the choice to accept or decline a client carefully, thoughtfully, slowly, and cautiously.

One Final Note about Clients

An important ethos in the delivery of legal services is a happy and satisfied client. In part this is because a lawyer wants the client to reach his or her goals, and in part, the lawyer wants the client to be satisfied so that 1) they will pay for the legal services services, and that 2) they will refer new business or come back to the firm themselves. It is possible to have a client who is satisfied with their service and treatment despite the actual outcome of their case. No where is the satisfaction of the client a greater source of new clients than in the law centered office in the criminal justice system.

The first thing all firms must do is to define Quality Client Care. This is how ALL clients are to be treated at all times; no exceptions. A solo or small firm should carefully consider how to define and to implement a Quality Client Services Program and that discussion should include everyone in the firm in some meaningful way. One effective way of commencing

this discussion is to think about the way each person in the discussion would expect to be treated by a lawyer and the law firm itself. Quality begins from the moment the potential client first contacts the firm and is a constant throughout the representation. Because a client is accused of a crime, there is no less of an obligation to insure law firm quality.

Once it is defined and discussed, everyone in your firm needs to fully understand the elements of such quality service and how it is to be implemented and operated – there is no exception. There should be a written document that sets forth by the aspirational aspect of Quality and the implementational aspect.

You should have a sign or plaque made and hung in your office to let clients know what level of service they should expect and you might even consider a brochure with the information.

The following is a partial list of concepts that may be used to develop a Quality Client Program. Some are obvious and may already be in place; but it is the cohesive bond of all of them together (plus others) that defines a competent Quality Client Program.

- Have written and clear standards for the process of greeting a client.
- Train your staff to know them and use them and make sure they are doing so.
- Decide how you are going to address clients (e.g. Mr., John, etc.). Consider alternative approaches depending on the client (Some older clients might prefer the use of Mr. or Ms; younger ones might like first names).
- Offer potential or existing clients refreshments and have a system to operate and maintain them.
- Keeping reception area neat, free from clutter, and free from confidential information.
- Sequester office issues, matters, and confidences from the

reception area. This includes the process of taking phone messages.

--Keep waiting time at a minimum – set appointments accordingly.

If you are late, tell the client when he or she walks into the reception area initially and keep the client posted. See if there are some alternatives (another appointment, initial intake by another staff member, etc.).

--Greet your clients personally.

--Introduce staff and other attorneys.

--Keep interruptions to a minimum and don't take phone calls unless it is an emergency. This is both a matter of courtesy and a matter of confidentiality.

--Meet in the conference room unless your office is designed for meetings. Use a conference setting where you are not behind a desk.

--Return phone calls and develop a protocol for this process so clients can reach you.

--Train others to know the status of the cases so that when you are out of the office, someone else can provide information.

--Keep clients informed. Send clients all correspondence related to their case. If possible, provide the client with a folder for their papers. You should also include information about how and when to contact you if there is an emergency. Develop backup so if you are sick or there is a personal emergency, there is someone else to handle the matter. It is wise to

introduce the backup to your client so that he or she is comfortable both with the backup and the fact that the backup will be taking a role in certain circumstances. Follow up client discussions with a letter so that the client knows what is happening.

Conclusion

In the end, the success of your practice is largely about your efforts to address office and client issues early and fully. Like any business, the development of a successful law practice is a function of your willingness to invest the time, the effort, and the resources in setting up mechanisms that work toward effective staff management, client selection, and management and quality. These mechanisms will not develop effectively while you are practicing law because you cannot focus on them or accomplish them. Law Office Management does not just happen; you make it happen.

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