

PRACTICE MANAGEMENT

- **Definition:** Skills and techniques employed by lawyers and law firms to ensure that their work is completed to the standards of the profession, to meet the ethical standards set forth in the Michigan Rules of Professional Conduct, and to attract and be retained by qualified clients

PRACTICE MANAGEMENT

- Why talk about **Ethics** and **Efficiency** when considering Practice Management?

ETHICS

- Our profession is governed by a strict and demanding set of rules – rules that sometimes require lawyers to act against their own best interests.

PRACTICE MANAGEMENT

- Why talk about Ethics and Efficiency when considering Practice Management?

EFFICIENCY

Some of your fees are governed by the county budget. Thus, it is important to use your time as carefully as possible while staying in compliance with the ethical rules.

PRACTICE MANAGEMENT

- Why talk about Ethics and Efficiency when considering Practice Management?

ETHICS AND EFFICIENCY

Before you can grow your firm, these skills must be mastered.

COMPETENCE

- 1. Knowledge of the law : Statute, jury instructions, guidelines, procedure, important case law (assumed you know that)
- 2. Beyond that, business integrity to get things done on time on target. (scheduling, timekeeping, contemporaneous billing)

COMPETENCE

- **Ethics**

1. Timeliness and Communication to Courts
2. Filling out Billing accurately

- **Efficiency**

1. Allows you to plan your morning and keep the Courts and your Clients informed
2. Allows to keep track of work contemporaneously; keep track of time in general

COMPETENCE

Ethics

3. **Maintain and add to your skills**
4. **Keep pre-printed forms nearby**

Efficiency

3. **Makes you better at your job – adds to your practice repertoire**
4. **Explain yourself and practice faster; commit to paper creates permanence.**

DILIGENCE

- Our ethics require diligence even when we do not like what we are doing or who we are representing
- Diligence requires timely filings of motions, witness lists and meeting other deadlines
- Documentation of your time, advice, preparation and compliance with your ethical duties

DILIGENCE

Ethics

- 1. Meeting deadlines and schedules is required by court rules and needs of your clients**
- 2. Keeping client informed of state of case**

Efficiency

- 1. Maintain and build your reputation as competent; build confidence in client of you**
- 2. Develops trust; allows for client to participate – fosters cooperation**

DILIGENCE

Ethics

- 3. Reasonable efforts to keep clients informed**
- 4. Give client opportunity to understand and make an informed choice**

Efficiency

- 3. Have policies regarding collect calls, letters, jail visits and let your client know what they are (in writing)**
- 4. Decreases likelihood of grievance, increases trust and gives cover when needed**

FEES

- Written, clear no-nonsense fee agreements
- Make it clear what you are going to do and not do
- ICLE forms are a good start but not bulletproof
- Can develop forms for initial retainers and courtroom 'retainers'

FEEES

Ethics

1. Fee must be set according to difficulty of case, client goals, time expended, your experience and other client concerns
2. Assigned fees – responsibility of the client to pay

Efficiency

1. Get paid enough to justify your experience and services – it's arguably unethical to work for less than your value
2. Make sure your client understands your services are still being paid for – you're not a 'free' lawyer

FEEES

- **Ethics**

3. Timely and complete preparation of voucher sheet
4. Keep track of time and have minimum time policies in writing

- **Efficiency**

3. Get paid faster and correct mistakes faster, too
4. Gives you protection if quantum meruit claim is made on your retainer agreement

CONFLICTS OF INTEREST

- Your Clients won't be able to tell you whether a conflict exists or not. You are considered the expert.
- 1. Carefully analyze facts before representing more than one party. Also be careful with information gathered during interview
- 2. You also must make sure your new client won't affect other clients you already or have represented

CONFLICTS OF INTEREST

- 3. Payment in Kind
- 4. Someone else paying fees
- 5. Disclaimers for malpractice insurance
- 6. Protecting client information when changing roles
- 7. Client with disability

CONFLICTS OF INTEREST

- **Ethics**

1. Declining Representation:
should do so if you cannot do the best for client
2. Remember your role as an Advisor

- **Efficiency**

1. 90/10 Rule – Best case you decline is 90/10 type case
2. By giving client all information, you have eliminated any question of conflict or disloyalty

CONFLICTS OF INTEREST

- **Ethics**

3. Intermediary – acting on behalf of client in negotiations is standard role of lawyer

- **Efficiency**

3. Deal with one person only. Preserves confidentiality and speeds negotiations

PRACTICE MANAGEMENT

What Else?

- Marketing
 - Technology
 - Location
 - Practice Areas
 - Hiring Help
 - Firm Management
- Growth
 - Career Change
 - Prospecting
 - Politics
 - Finances
 - Disaster Planning

PRACTICE MANAGEMENT

- What is **Conspiracy of One**?
 1. The best way to get away with something
 2. A small firm consultancy
 3. Individual Coaching for Lawyers

Thanks for listening. Call with Questions

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