



LAWYER TO LAWYER MENTORING PROGRAM

WORKSHEET T

LAW OFFICE MANAGEMENT

Worksheet T is intended to facilitate a discussion about the mentor's law office, how it is managed, and where to locate resources for learning more information about law office management issues.

WHAT WENT WELL?

Start by sharing with each other a brief story of something that went well in your practice this week:

Share your reflection by on one of these questions: What caused the good event? What does it mean? How did you contribute? Others? How can you have more such events in the future?

ACTIVITIES FOR TODAY

- Take the new lawyer on a tour of the mentor's office, explaining how client files in mentor's office are managed and discussing the best practices for the following related issues:
 - Time records.
 - Records of client-related expenses.
 - Billing system.
 - Client retainer and/or payment schedules.
 - Fee agreements, including common fee agreements, the advantages and disadvantages to each, ethical considerations surrounding each, examples of improper provisions in fee agreements, and the importance of using engagement, non-engagement and disengagement letters.
 - Escrow and trust accounts, including establishing an IOLTA, the how-to's of accounting/auditing, use of interest proceeds, and proper procedures for handling funds and other property belonging to client.
 - Filing system, including procedures for opening and closing files, procedures for conflict checking, creating a checklist for new files, the importance of preparing a case memorandum and case plan, how to document the progress on cases, organizing both the file contents and the office filing system, and file inventory and review procedures.



- Document retention plan.
- Calendar and “tickler” or reminder system.
- Information Technology Systems, including docketing software.
- Methods of keeping clients informed about the progress of their matters.
- Discuss staff, equipment and other administrative issues in mentor’s office, including the best practices for at least the following matters:
 - Mail distribution procedures.
 - Procedures for handling telephone calls, including when they should be returned.
 - Considerations in purchasing office furniture and where it can be purchased.
 - Library and research systems.
 - Considerations in purchasing office equipment and the types which are essential and/or most helpful.
 - Other resources (publications, seminars, equipment, etc.) that a new lawyer might find particularly helpful in his or her work.
 - Personnel, including identifying employees who are needed to run the office efficiently and the benefits and disadvantages to hiring different types of employees (i.e., traditional, independent contractor, temporary).
 - Employee selection, including interviewing techniques, background investigations, extending offers, and maintaining personnel files.
 - Employment and discrimination laws of which an employer must be aware.
 - Supervising staff, handling employee discipline and preventing the unauthorized practice of law and the unethical practice by associates.
 - Considerations in purchasing insurance.
 - Ethical and professional marketing techniques, effective rainmaking tools, and how to create a marketing plan for a firm.
- Review and discuss the suggestions made in the attached articles:
 - Dan Pinnington & David Bilinsky, *Implement Appropriate Internal Controls*, LAW PRACTICE TODAY, April 2006.
 - Allison C. Shields, *How to Take Control of Your Practice by Creating Vision and Mission Statements*, GP/SOLO LAW TRENDS & NEWS BUSINESS LAW, Feb. 2006.

ACTION STEPS

End the session by discussing what action steps you can take to either improve or set yourself up for future success based on today’s discussion. Discuss how one or more of your Signature Strengths can help you achieve success in these steps.



RESOURCES

American Bar Association Law Practice Management Section

<http://www.abanet.org/lpm/home.shtml>

A section of the ABA which provides helpful resources to its members about all aspects of law practice management.

American Bar Association Young Lawyers Division E-Library

<http://www.abanet.org/yld/elibrary/home.html>

Provides information about and materials from programs held at Young Lawyers Division Meetings and Conferences. Includes helpful outlines giving practical tips on how to practice law.

Association of Legal Administrators Legal Management Resource Center

<http://thesource.alanet.org/portal/server.pt>

Provides online tools, forms and checklists and other valuable information about law practice management issues.

MyShingle.com

<http://www.myshingle.com/2008/01/resources/online-guide/>

Provides links to on-line resources and manuals for starting your own law practice

Unlock Your Potential

<http://www.abanet.org/yld/publications/Unlockresourceguide.pdf>

An American Bar Association Young Lawyers Division Members Service Project which is designed to aid young lawyers in determining whether they have chosen the right career path and offer resources and support to aid in starting a legal practice.

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GP|Solo Law Trends & News

Business Law

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How to Take Control of Your Practice by Creating Vision and Mission Statements

By Allison C. Shields

Many solos and lawyers responsible for managing their firms report feeling out of control or overwhelmed. Even successful lawyers will admit that their practices grew almost by chance, rather than by design. They don't have a handle on how their clients are coming to them, or what their clients are really looking for. They aren't sure how to grow their practice, to take it in a new direction, to get better work or better clients. They never sat down and thought about exactly what they wanted their practice to be, but they tell me their practice isn't what they want it to be.

There is hope. Stop to take stock of where you are and where you want your practice to be in the future. After all, if you don't know where you're going, how are you going to get there?

The first step toward creating the practice that you want is by establishing the vision and mission, writing them down, and sharing them with everyone that works in your firm so that they are inspired by them.

The vision and mission statements are the touchstone for everything you undertake, from strategic planning, marketing, management and practice building to recruitment, hiring and performance evaluations. These two statements are important, concrete guides for the future of your practice. Once the vision and mission are written and digested, the rest of your business activities, including the management and marketing of your practice, have a direction.

With a mission statement, you have a guiding principle against which to measure each of its actions. You can begin to craft your practice in a more purposeful way and create business plans which will bring the firm to its destination – the attainment of the firm's vision.

What is a 'vision?'

The vision is the statement of what you are building. It describes the idea of your firm in a way that captures your passion for your business and inspires you. It is the picture of what the firm wants to *be* in three to five years. Although some advocate creating a vision with a much longer time-frame, with the pace of business today and the changing legal landscape, creating a shorter term vision can keep you inspired and won't become obsolete before it is reached.

The vision should be specific and include items such as culture, the 'feel' and atmosphere of the firm, the intangibles that customers can expect, as well as the 'harder' or more tangible aspects of the business, such as number of clients, gross profits, number of employees, number of offices, number and types of practice areas, etc.

Crafting Your Vision Statement

The vision describes your dream for your practice. Set no limits when initially exploring the vision statement – let yourself describe your vision in an expanded manner. It may help you see possibilities you might not otherwise have recognized. Spend some time thinking about it before editing down to what you think is realistic or achievable. But remember when editing not to edit out your passion – that which makes you enthusiastic about reaching your vision.

Questions to Consider When Creating a Vision Statement

- Who is your ideal client?
- What are your financial goals for your practice?
- What will you or your firm be known for?
- What services will you provide your clients?
- What will your role be in the practice?
- Where do you practice?
- When will you need more space, different systems, more staff, more attorneys?
- Why are you practicing law?
- Why will your clients hire you rather than your competition?
- What will the culture of your practice be?
- What are your beliefs and values and how will they affect your practice?

What is a mission statement?

The mission statement describes the firm's current purpose, identifies the firm's market, values and priorities. It illustrates how the firm intends to achieve its vision and how it goes about the practice of law every day. It answers the question why clients will hire you to represent them.

Spending the time creating the mission statement and obtaining input from others in the firm enhances 'buy in' from the firm, regardless of its size, and establishes a starting point for the firm's forward progress.

Your mission statement will also be useful for your clients – it will convey to clients and potential clients the essence of your firm and the manner in which you do business. The mission statement can be a powerful tool, both for strengthening the infrastructure of your business, and for attracting and keeping the clients you want.

Crafting Your Mission Statement

The three keys to a mission statement are purpose, business and values.

Purpose

What is the firm's core purpose? Your response to this question should be a concrete one, and it is truly the foundation of your whole practice, and especially your management and marketing plans. Spend some time thinking about why your firm was created, what need it seeks to fill. Why are you practicing law? What do you hope to accomplish? What are you committed to providing to your clients?

The purpose section of the mission statement should also provide some information about the firm's basic management philosophy and 'in-house' style – does the firm want to be a small, boutique law firm, a large business, a family atmosphere, corporate atmosphere, etc.

Business

Your mission statement should also address the business of the firm – the firm's

clients, practice areas and services provided. Keep in mind that if your firm has multiple practice areas, it might make sense to keep your overall firm mission statement more general and craft separate mission statements for the different practice areas.

Do you have or do you want to develop a niche practice? Who are the beneficiaries of your work? Who is your ideal client? What are their demographics? What are their problems or needs? What services do you provide to address those needs?

Values

The values expressed in your mission statement emphasize what you are aiming for, what the firm's core priorities are - does the firm emphasize responsiveness over completeness? Do you emphasize alternative dispute resolution over litigation? Do you emphasize compassion versus aggression? What is most important to the firm, and how do you want to be known?

Set Yourself Apart

To be effective, the mission statement should be unique to you and your practice and reflect your personality.

The problem with many law firm mission statements currently in existence is the same problem lawyers frequently have with their marketing – rather than focusing on who the target audience is, and what their problems are, the focus is only on the firm or lawyer – their education, their skills, etc. The mission statement, just like a good marketing message, must focus on the client – what their problems are, and how your firm solves their problems or meets their needs better or in a different way than your competition does. It's not about you, it's about them, and about being of service to them.

If you substitute the name any other law firm or lawyer that practices in your area of law in your mission statement, is it still true? If it is, your mission statement is too vague.

For example, "To provide quality legal services and practical, effective solutions to individuals and businesses at a fair cost with a focus on client satisfaction" is an ineffective and uninspiring mission statement. It doesn't convey a sense of the firm's uniqueness or culture. It doesn't communicate the kind of services the firm provides, to whom they are provided, or how. This mission statement sets forth the bare the minimum level of service which all clients expect their lawyers to provide – effective solutions at a fair price.

Tips for Writing Vision and Mission Statements

- Be specific, but make sure that the mission statement doesn't become a strategic plan. The mission statement should be an enduring statement of the firm's identity, and should not contain goals and objectives. The specific goals, objectives and actions to be taken by the firm should be incorporated into a plan, but that should be separate from the mission statement.
- Use 'we' to emphasize the firm as a whole, and focus on the firm's culture and strategies.
- Make sure all of your employees can relate to the mission statement – that it inspires all employees to be their best and to work toward a common goal.
- Make it easy to understand – don't use 'lawyer-speak.' Remember, many of your

employees are not lawyers, and most (if not all) of your clients are non-lawyers!

- A good mission statement fosters commitment, motivation, and inspiration.
- Seek input from all levels of the organization – from the file clerks, receptionists, secretaries, attorneys, paralegals, etc. This creates ‘buy in’ for everyone at the firm, makes them feel a part of the team, and provides different perspectives.
- After input is received, the mission statement can be written by an individual or a small committee composed of individuals sensitive to the entire firm’s viewpoints, and it should reflect areas of consensus. But do not allow a large group to be involved in the actual writing of the vision and mission statements, as this approach often devolves into nitpicking about comma placement, etc. and accomplishes nothing.
- Set a deadline for completing the mission statement.
- Circulate a draft of the mission statement before it is finalized for review and comment.
- When reviewing the draft, ask yourself: Does this accurately reflect my understanding of the firm and its business? Can the partnership live up to this? Can the individual attorneys live up to it? Can our staff live up to it? Can we operate by this on a daily basis? Are we willing to measure everything the firm does by this?

A Final Word About Implementation

Writing vision and mission statements alone will not bring about change or reduce the feeling of being overwhelmed. To be effective, implementation is essential. Everything in the practice must be based upon and measured against the mission statement. If a client, a project, a charity event, a case, or a method of practicing is not in alignment with the firm’s mission statement, the firm risks diluting the firm’s identity and power.

Just as any good trial lawyer knows not to make promises in her opening statement that she can’t keep, so every law firm should beware of crafting a mission statement which the firm is not prepared to act upon and enforce. Don’t create expectations that you can’t or won’t live up to. If you don’t believe your mission statement, why should your client? If the partnership doesn’t believe it, why should your associates and staff?

In order to create effective and inspiring vision and mission statements, it is crucial to ensure that the firm leaders are in agreement. Do they all agree with the vision? Do the partners agree on the direction of the firm, the types of clients the firm does and will represent, and the manner in which the clients are serviced? Can all partners articulate and agree upon what sets your firm apart from the competition?

If you want to create a direction for the future of your practice, and a way of doing business that inspires you, your entire firm, and your clients, creating vision and mission statements are a good place to start. Once you have a clear direction, making real progress toward your goals is much easier, and reduces that feeling of being overwhelmed.

Allison C. Shields, a former practicing attorney, helps solo practitioners and law firms reach their maximum potential by providing practice management and marketing strategies through coaching and consulting. You can learn more by visiting her blog at www.legaleaseconsulting.com.

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Law Practice TODAY

Finance

Implement Appropriate Internal Controls

by Dan Pinnington and David Bilinsky

April 2006

Ideally, your office should have clearly established internal controls for handling and documenting all types of financial transactions. These internal controls are really just policies and procedures that direct what steps should be taken when various financial transactions occur. Although a lack of internal controls does not necessarily constitute a breach of the professional conduct or ethics rules, you may consider implementing internal controls to assist your efforts to comply with them.

The following are some suggested internal controls you may consider implementing at your office:

Check requisitions

When dealing with check requisitions for both your general and trust accounts, consider the following:

- all check requests are accompanied by a signed check requisition evidencing approval;
- only certain designated lawyers may authorize trust account payments;
- only certain designated individuals may authorize general account payments;
- firm personnel responsible for preparing checks are instructed not to prepare checks unless the requisition includes a signature of approval;
- supporting documentation (such as an original invoice, reporting letter, statement of receipts or disbursements) accompanies the check requisition, where possible;
- original copy of the invoice is stamped paid (to prevent an individual from using an invoice more than once to obtain funds); and
- photocopies of invoices are not generally accepted as support for check requisitions.

Check signing policies

When dealing with check requisitions for both your general and trust accounts, consider the following:

- checks in excess of a threshold amount require the signatures of two partners;
- blank checks are never to be signed;
- checks made payable to financial institutions include details of the transaction;
- checks are in numbered order and the sequence is checked; and
- at least one of the individuals signing the checks always reviews the request for payment to determine if the request relates to trust funds and reviews the client file, to determine:
 - validity of the request for payment;
 - reasonableness of the amount requested;
 - if sufficient funds are available to pay the amount of the check; and