DC BAR PRACTICE MANAGEMENT ADVISORY SERVICE

Ten Essentials for Small Firm Management

One – Manage yourself, manage your time:

For the small firm lawyer, our success is hidden in the way we spend our time. While time may seem like a limitless commodity, the irony is that the only moment in which we can manifest action is *now*. How we use and manage *now* is key to our success. We can do nothing to affect the future unless we effectively manage the *now*. The past of course is history but it can be a way we evaluate our process. Stay in charge of *now*. Rather than check e-mail when you first get into the office (or get out of bed), schedule precise time periods in your day for e-mail review. Your first moments at work should be in thought about how you will effectively move through your day. A great tool to employ is a *concept map* (aka *mind map*). It's a thinking tool useful for problem solving and strategy. *Concept map* your day first thing. Organize your priorities. When you master *concept mapping*, create one for your week, month and year. Chances are you will become a *militant mapper* and won't make any decisions without having employed this useful and creative tool. [1]

Two – Have a plan, a goal, a purpose:

A small firm is a business and it must have a plan. The plan contains a mission statement and steps to accomplish your goals. The plan tells your story. It describes how you message so that people with the problems you solve can find you. A small firm without a plan is like a ship adrift in the Sea of Whimsy. Every action you take as a professional problem solver must be rooted in your plan.[2]

Three – Create systems for the repetitive tasks:

Every small firm has repetitive tasks like opening a new file, creating the fee agreement, or declining a representation. Create checklists and systems for repetitive tasks to ensure that they are performed correctly and efficiently. For the solo lawyer, the checklist will become a part of the firm office manual as staff are brought on board. Checklists and systems create

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[1] If you would like a lesson in *concept mapping*, please contact Dan Mills, assistant director, D.C. Bar Practice Management Advisory Service (PMAS), (202) 737-4700, ext. 3212, dmills@dcbar.org or Rochelle Washington, senior staff attorney, PMAS, at (202) 737-4700, ext. 3217, rwashington@dcbar.org. The PMAS is a multifaceted Bar program designed to help Bar members improve and enhance management skills in the practice of law.

[2] E-mail Rochelle Washington or Dan Mills for a small firm plan template in Microsoft Word format.

efficiency and focus. A terrific tool for creating forms and checklists to help manage repetitive tasks using Microsoft Word is: http://www.theformtool.com/

Four – All action must manifest The Plan:

Once you have a working draft of your business plan and a precise mission statement for your firm, print the mission statement and tape it to your computer, your phone, and other places where you will see it and be reminded of your professional purpose. Every moment of your professional day should define and be a part of this mission statement. If your firm is engaged in family law and you have a well thought-out mission statement, know that the traffic case a friend is asking you to handle is outside your mission statement. Those frolics and detours from your mission statement take a toll in risk, inefficiency and anxiety.

Five – Own the first two seconds of any engagement:

In any professional engagement, such as a conversation with a prospective client, an exchange with opposing counsel, or in your introduction at a networking event, ensure that your words are rich with content immediately. Speak for emphasis in short, clear statements. Know where you are going and why. Use a few easy words rather than many challenging words. Speak to communicate and then stop talking when you have accomplished your goal. A subtle and common addiction of our profession is our attachment to the sound of our voices. Before you speak, think through the goal of the communication. In the first sentence or two, cover the necessities of *who, what, when, where, why & how*. You will never have a more focused audience than the person who is listening during the first seconds of your delivery. Start hot.

Six – Track your time, track your projects:

Create a system to track how you spend your professional time. Create a separate system to track every project you undertake in your firm. Both can easily be done with spreadsheets.[3] Using our *168 hour time management spreadsheet*, you can record two or three times a day how you are spending your professional time. Some time will of course be for professional problem solving for clients for which you hope to be paid. Some time will be for firm administration, some for marketing, and some for learning. Our professional life is about on what we spend our time. Our profit is determined by the number of productive hours we have in a day. By honestly tracking our time on a regular and consistent basis, we become informed managers of time and we realize that time is precious and the only moment in which we have impact is *now.* When you realize how much time you truly spend on a high maintenance client

[3] E-mail Rochelle Washington or Dan Mills for the *168 hour time management spreadsheet* and the *Case & Action Manager spreadsheet* (available in Excel or Numbers).

who pays reluctantly or not at all, you tend to make better decisions at intake. Using our *Case & Action Manager spreadsheet* gives you a simple database for every project in your office. Enter every prospective client, actual client, marketing project, and firm management issue and track progress. Docket dates, set goals, target deadlines and record delegation where appropriate. Nothing slips off the radar.

Seven – Handle the hot button issues:

For the small firm, there are many hot button issues, but the two most critical are handling money and managing client communication. Drop the ball on either and you could be looking at a disciplinary complaint. On an annual basis, nearly one-half of the docketed disciplinary complaints handled by the D.C. Office of Bar Counsel are against small firm lawyers.[4] You may be handling advance fees properly and routinely depositing them into your IOLTA, but what about your credit card transactions? Are they compliant with D.C Rule of Professional Conduct 1.15? Is the earning mechanism in your fee agreement consistent with actual practice? Are there clients you avoid? Are there phone calls too painful to return? Do you have trouble delivering bad news? Guidance on handling money is available on a free and confidential basis from the D.C. Bar.[5] Client communication really lends itself to a system. Start by describing how it will be handled in the fee agreement. Return calls the same day if possible but no later than the next day. Consider scheduling return calls during defined periods of time (three or four a week) and schedule the return call with the client. This system has the beauty of not interrupting your working periods and allowing you to prepare for several return calls at a set time.

Eight – Know and avoid the *distractions of doom*:

This may be a person or a place you go to escape either in your mind or down the street. Perhaps your *distraction of doom* is procrastination. Whatever it may be, in the end, it's a habit and it's consuming and you regret it, but you repeat it. It sucks the time and life from you. For some, the internet, e-mail or social media has become a *distraction of doom*. For others, it happens when they venture into D.C. Superior Court to file a case and don't make it back to the office to work because of the distractions of the courthouse. If you have one of these *distractions of doom*, deal with it. Some of us can kick the habit and change the behavior. But

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[4] Less than 10% of the D.C. Bar's 100,000-plus members are small firm lawyers.

[5] Call Rochelle Washington, Dan Mills, or the D.C. Bar's legal ethics counsel at (202) 737-4700, ext. 3231 or 3232; or e-mail ethics @dcbar.org. Additional information is available at www.dcbar.org/ethics.

for some, it takes a little extra help. Help is available from the Lawyer Assistance Program of the D.C. Bar, a free and confidential service.[6]

Nine – Evaluate regularly:

Once a week or once a month, pull back and see how you are doing. Revisit your plan. Think about your mission statement. Then look at the last several new clients you have taken on and check the time management spreadsheet for how you are spending your time. Are you on message and manifesting your plan? And what about you? How do you feel about your professional enterprise? Are your clients in a better place as a result of your effort? Take regular stock and make adjustments as needed.

Ten – Refuel:

Being a small firm lawyer can be an exhilarating, creative experience and it is nearly always a demanding and challenging enterprise. It is often very hard work. Lawyers have a high incidence of burnout, depression and substance abuse.[6] More often than not, our clients need us and depend on us at very difficult moments in their lives. They can be demanding and irrational. Sometimes they turn on us despite our best efforts. Our health is important to us and to our clients. We need time away, time to refuel, and space to recover. If we don't take care of ourselves, we won't be effective at solving our clients' problems. Incorporate, within your plan, time to recharge and come back strong. Each day and week should hold some moments for us to refuel. On a regular basis, every quarter or six months, take some extended time for rest and relaxation. A network of supportive colleagues can be very helpful for the small firm lawyer.

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[6] The free and confidential services of the D.C. Bar's Lawyer Assistance Program include counseling and guidance for District of Columbia lawyers, judges and law students who are experiencing problems such as addiction, mental health symptoms, or stress, which interfere with their personal or professional lives. Call (202) 347-3131, or e-mail lap@dcbar.org. Additional information is available at http://www.dcbar.org/bar-resources/lawyer-assistance-program/.