

“An Ounce of Prevention . . . ”

by Janean Johnston

Most of us have grown up with this sage piece of advice. We try to have an annual checkup, eat correctly and exercise regularly in order to protect our health and avoid the dreaded “... pound of cure.” While we are concerned about maintaining our physical health, it can be easy to overlook the health of our legal practice and ignore warning signs that cause a lot of heartache.

The Virginia State Bar has tried to help attorneys maintain healthy practices through its management practice services. These include the ethics hotline, the risk management free hotline for professional liability insurance and related office management questions, law office and risk management articles published in *Virginia Lawyer* and confidential on-site preventive law practice management office reviews offered to solo and small firms. Many Virginia attorneys have taken advantage of these programs.

I occasionally meet with attorneys who want on-site assistance, but do not have time for a half-day practice management review. For that reason, I will begin a basic “Firm Fitness Check-up” series that can be followed as time allows.

Lawyers who are practicing law in an optimal manner will answer “yes” to the questions below. A “no” to any of the questions (some questions will not apply, depending on practice size), indicates a needed examination of that practice area to lessen the risk of a malpractice suit or ethical complaint.

Since lack of appropriate docketing/calendaring procedures can cause major problems for any firm, regardless of practice area, I will begin the questions by focusing on this issue.

Docket Control/Calendaring Procedures

1. Do you have a “fail-safe” system for control of deadlines and other critical dates?
2. Does your system include all statutory dates, procedural dates or deadlines that apply to your practice areas?
3. Are at least two independent date controls kept on all matters?
4. Do you cross-check your system weekly?

5. Is one person responsible for maintaining the system?
6. Is there a back-up person for the docket/calendaring system?
7. Have you identified a lawyer who would take over your client matters if you are absent for an extended period of time? (applicable for solos)
8. Do you allow sufficient lead time for completion of tasks?
9. Is there a follow-up system to ensure completion of tasks?
10. Does your client intake form ask for “deadline” dates?
11. Does someone screen your incoming mail for calendar requirements before it is distributed?
12. Does everyone at your firm regularly use the system?



These questions are not comprehensive and do not cover every possible problem. They may, however, stimulate your thinking and bring a new awareness of your firm’s risk management health. It can also alert you to the steps needed to maintain the fitness of your firm.

After answering these questions, if you wish assistance or direction, please contact me at (703) 567-0088. I will be happy to discuss your results and make appropriate suggestions on a confidential basis. I can also have applications to participate in the VSB’s Confidential Law Practice Management Review program. There are a limited number of these reviews available during the current year.

I will continue to review other risk management areas in upcoming articles. Stay tuned and stay healthy.