

Finding Help When You Don't Know Where To Turn

by Janean Johnston, Practice Management/Risk Manager

IF YOU ARE a recent law school graduate or a “suddenly solo” who has left a large practice, its host of support staff, and unlimited resources, you might find daunting the prospect of setting up an office on your own for the first time. Sometimes the beginning of wisdom is to admit what you do not know. Poor planning causes problems such as malpractice claims and ethics complaints.

After twenty-two years of advising lawyers I have concluded that not paying attention to careful law office management procedures and practices has caused more problems for the public than the few malfasant attorneys who skirt ethics rules for their own benefit. Becoming an ethical and competent attorney involves applying the ethics rules to the daily practice of law and implementing sound management principles.

Review the Virginia Rules of Professional Conduct on diligence, competence, and maintaining client confidences. How you handle client funds and manage trust account recordkeeping duties, avoid conflicts of interest, communicate with clients, and develop fee agreements are all guided by the ethics rules.

Where do you turn to find resources to help you become an efficient and ethical solo practitioner? Getting an overview of what you need to do in setting up a new office is a good place to begin. One of the American Bar Association's best-selling books is *How to Start and Build a Law Practice*, by Jay G. Foonberg, available by calling (800) 285-2221. This basic guide has been used by many small firms in setting up their practices. The ABA Law Practice Management section is an excellent place to look for resources, including *Flying Solo: A Survival Guide for the Solo and Small Firm Lawyer* and *Law Office*

Procedures Manual for Solos and Small Law Firms.

Also helpful in setting up your new practice are *Solo by Choice: How to Be the Lawyer You Always Wanted to Be*, by Carolyn Elefant; *The Ultimate Guide to Solo and Small Firm Success*, by Renee Caggiano Berman; *The Organized Lawyer*, by Kelly Lynn Anders; and *The Busy Lawyer's Guide to Success*, by Dan Pinnington and Reid Trautz. Since you are just beginning your practice, it is likely that you will have time to learn tips and techniques from these resources.

Every solo needs a smartphone (such as PalmPre, iPhone, or Blackberry), a laptop (and knowing where the nearest Internet café is, since you could go stir-crazy just staring at your walls while waiting for a client to walk through the door), a good backup (whether flash drives or an online service), and a scanner.

Decide what computer software will best serve your needs. Case management systems for small firms include Abacus, Amicus Attorney, TimeMatters, PCLaw, or Practice Master. A book that may help you select the appropriate technology for your office is *The 2009 Solo and Small Firm Legal Technology Guide*, by Sharon D. Nelson, John W. Simek, and Michael C. Maschke. Case management software helps you manage your calendar and files. Valuable file management resources can be found through the American Records Management Association guide *Records Management in the Legal Environment: A Handbook of Practice and Procedure*. These resources can help you manage your calendar, detect conflicts of interest, and assist with accounting. Programs vary in their sophistication, so choose carefully. Consider combining programs for fuller capabilities, such as using TimeMatters with PC Law for bet-

ter accounting. Allow sufficient funds for adequate training on the software.

For offices that have already purchased software for their general needs but want specific software to help manage client trust accounts and keep records as Virginia requires, you may find helpful QuickBooks Pro or the ALPS Trust Manager, developed for Virginia lawyers. There are also other programs that handle time and billing issues as well as trust accounting matters. Don't forget the excellent trust accounting booklet *Lawyers and Other People's Money*, by Frank A. Thomas III and Kathleen Uston, online at http://www.vsb.org/docs/Lawyers_OPM_electronic.pdf. The Virginia State Bar has developed a continuing legal education program, “The Devil Wears Green,” that highlights trust accounting issues and ethical dilemmas. I encourage every Virginia lawyer to attend this worthwhile seminar.

Although there is a host of valuable information on the Web, it is wise to have good reference library that includes *Restatement of the Law Third, The Law Governing Lawyers*, Volumes 1 and 2, from The American Law Institute. Don't forget the Virginia State Bar's ethics hotline — (804) 775-0564 — when a grey issue arises, or the Fee Dispute Resolution Committee — (804) 775-9423 — when problems occur in this area. An equally important resource is Lawyers Helping Lawyers — (800) 838-8358 — for those times when we or a fellow lawyer needs help with mental health or chemical dependence problems.

I hope I have been helpful in giving you a place to begin. My purpose is to overwhelm you, but if you are feeling that way, please know that help is avail-

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able. There may be value in talking with an experienced practitioner or finding an individual who can meet with you and provide assistance and encouragement in setting up your new office. If you have any questions about this article or wish to learn

more, please call me at (703) 508-6630. Good luck and welcome to the brave new world of practicing as a solo in Virginia.