

Help Is On The Way!

by Janean S. Johnston

The earlier risk management column by John Brandt reminded all Virginia attorneys they could (and should) ask for help. Now you've asked. You called for a confidential review of your law office's practices and procedures—and you are worried! What is going to happen when Janean Johnston arrives to evaluate your firm?

The Virginia State Bar's offer of assistance to solos and members of small firms was not meant to inspire nightmares or fear. This program, sponsored by the VSB's Malpractice Insurance Committee, was intended to help you sleep better at night, by being reassured that you are managing your practice in a careful, responsible and ethical manner.

To put all of you more at ease, I would like to briefly explain the procedures involved in participating in a typical law practice management review. The process begins with your initial call or letter requesting an application form. You will be able to choose four areas from the seven listed (e.g., conflicts checking, file management, client trust accounting, communication procedures, etc.) for your half-day review and rank them in order of importance.

Once the completed application is returned to me, I will place you on the list of firms to be reviewed for the current year. (Please respond promptly—last year I had to put several firms on a waiting list for 2004.) I make every effort to review firms in the order they are received, but also try to group firms together according to geographical areas in order to minimize travel costs for the Bar and to use my own time most efficiently.

When we have arrived at a mutually convenient time and date for the review, I will send you a ten-page *Risk Management Questionnaire* that should be completed and returned prior to my visit. The information will provide me with an overview of your firm and its current systems and procedures before I arrive. This questionnaire helps me identify any issues that might need attention beyond the four areas you selected.

While on-site at your firm, I will meet with you and any staff members you choose to participate in the review. These interviews will involve asking you questions about your current practices: what you do to handle each of the four areas you selected, and why you do them in that particular way, and finally, how these procedures seem to be working for the firm in serving its clients. I will make comments and recommendations verbally during this time and also collect pertinent samples of the documentation the firm uses, e.g., client intake form, fee agreements, closing letters, etc.

As time allows, I will go beyond the areas requested and deal with additional areas that might need attention, as indicated by your responses to the *Risk Management Questionnaire*. At the end of our time together, I will leave a copy of my 25-page *Risk Management Guide* that provides some basic instruction concerning the general risk management procedures a firm should follow in order to practice competently and effectively.

Back at my office, I will review my notes and all of the materials collected from the visit and then draft a confidential report giving my assessment of your firm's practices in the four selected areas. I will confirm those things that you are doing well, make suggestions for improvement where they are needed and provide additional help as appropriate. Generally, a follow-up phone call (usually two to three weeks after you receive your report) will allow you to share any comments you wish about the progress and the report. This enables me to determine how things are progressing with the implementation of any procedures I may have recommended, and if you might need additional assistance. From beginning to end, this whole process takes, on average, about 14–16 hours to complete (not a bad deal for the \$150 per attorney that you pay).

Now that the VSB has provided this valuable program to assist you in practicing carefully, and you have learned what happens during an on-site office review, the only part of the equation that is missing is YOU . . . filling out the application and asking for assistance. It's as easy as calling (703) 567-0088 or faxing me at (703) 566-7582 and requesting an application and the whole process begins. As John Brandt stated in his earlier column, you won't regret it, and you will be glad you asked for help. ☺



Janean S. Johnston has been retained by the VSB Malpractice Insurance Committee to be a part of its risk management team along with John Brandt. She specializes in conducting law practice management reviews for Virginia lawyers in small firms and occasionally advises law firms about practice management issues by telephone. Ms. Johnston is a licensed attorney in Minnesota and has been doing this type of

risk management work nationwide since 1987. She may be reached at 250 South Reynolds Street, #710, Alexandria, VA 22304 or at (703) 567-0088.