



Perfecting Your Practice



Jim Calloway

Ross L. Kodner

Catherine Sanders Reach

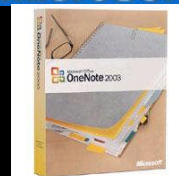
Ben Schorr

Perfecting Your Practice



Thank You to Our Session Sponsors

- Corel – WordPerfect X3 Suite – We're drawing for a \$299 copy!
- STI – PracticeMaster – We're drawing for a \$295 copy!
- Microsoft OneNote – We've got eval copies for all and one \$99 copy to give away!



Perfecting Your Practice



Today’s Topics

- The Initial Interview
 - The fine art of listening
 - Danger signs of potentially problem clients
 - Setting expectations
 - Closing the Deal
- Handling the Matter Effectively
 - Law Office Systems
 - Documents and Delegation

Perfecting Your Practice



The Fine Art of Listening

- Listening as a critical skill
 - Minimize distractions
 - Maintain eye contact
 - Pay Attention
 - Be alert to non-verbal cues
 - Repeat back what was said

Tech tip: Consider a tablet PC to replace legal pads for note-taking; use a note-taking tool like MS OneNote or Evernote

Perfecting Your Practice



The Fine Art of Listening

- Barriers to Listening
 - Focusing on a personal agenda
 - Emotional noise
 - Criticizing the speaker
 - Speech rate vs. thought rate
 - Information Overload
 - External Noise

Tech tip: Turn off computer screen, sound, etc.
Forward phone to voicemail, turn cell phone to vibrate

Perfecting Your Practice



The Fine Art of Listening

- Improving Your Response Skills
 - Provide well-timed responses
 - Provide usable information
 - Avoid unnecessary details
 - Be descriptive, rather than evaluative

Perfecting Your Practice



The Fine Art of Listening

- Checklist for effective listening
 - Direct eye contact
 - Open, relaxed body language
 - Appropriate hand gestures
 - Reinforcing nods; responsive facial expressions
 - Appropriate volume and tone of voice
 - Appropriate, timely questions
 - Accurate paraphrasing
 - Don't interrupt
 - Don't judge

Perfecting Your Practice



Danger Signs of Potentially Problem Clients

- Are you the second or third lawyer on this case?
- Does the client have unrealistic expectations?
- Does the client complain about everything?
- Does the client think everyone is acting against him or her?

Perfecting Your Practice



Danger Signs of Potentially Problem Clients

- Categories of difficult clients
 - Angry/hostile
 - Vengeful/with a mission
 - Over-involved/obsessive
 - Dependant
 - Secretive/deceitful/dishonest
 - Unwilling to accept/follow/believe lawyer's advice

Perfecting Your Practice



Setting Expectations

Client's perception = your reality



Have you ever had really lousy service
in a really great restaurant?

Perfecting Your Practice



Setting Expectations

- Clients are often stressed and sensitive
 - Make sure office staff is friendly and helpful
 - Make the client feel important
 - You never get a second chance to make a first impression

Perfecting Your Practice



Communication in the 21st Century Law Office

- How does the client want to communicate?
 - Fax? Paper? Email? Website? Telephone?
 - Be able to deal with client’s technology needs, not make the client deal with yours
 - Discuss appropriate delegation
 - Staff will handle some client communication
 - Manage expectations
 - Do you have a guaranteed response time?

Perfecting Your Practice



Communication in the 21st Century Law Office

- Guard the client’s confidentiality – whatever the communication vehicle
 - Ask questions when a client gives you a fax number (personal or shared?)
 - Beware the unsecured nature of e-mail
 - Know about metadata
- Let the client know that they have a duty to guard confidentiality as well

Perfecting Your Practice



Communication in the 21st Century Law Office

- Using the Internet to create value-added services for your clients
 - Clipping services - unsolicited and free
 - Newsletters, e-newsletters, group e-mails
 - Websites
 - Interactive websites and blogs
 - Deal rooms, document repositories

Perfecting Your Practice



Invoices as Client Communication

- Don’t use shorthand or cryptic descriptions
- Use professional software to create professional invoices
 - Time/billing software
 - Practice management software
- Show the value of your bill
- Check out *How to Draft Bills Clients Rush to Pay* by J. Harris Morgan (ABA Books)

Perfecting Your Practice



Closing the Deal

- Importance of engagement letters or attorney-client contracts
- Type of client (consumer vs. business) makes a difference
- Consider a case plan instead of an engagement letter

Perfecting Your Practice



Closing the Deal

- Case Plan
 - Limit legalese
 - Linear plan to show matter from beginning to end
 - Use graphical representations
 - Flow charts
 - Icons
 - Graphics
 - Timelines

Tech tip: Consider tools like SmartDraw Legal for generating complex timelines and charts

Perfecting Your Practice



Closing the Deal

- Basic elements of an engagement letter
 - Identification of parties
 - Signatures
 - Scope of representation
 - Client’s financial obligations
 - Commencement of representation
 - Termination of representation
 - Disclaimers and caveats
 - Expectations regarding communication and status reports

Perfecting Your Practice



Handling the Matter Effectively

- Invest in Law Office Systems
- One or a combination of:
 - Time/billing/accounting
 - Conflict of interest checking
 - Calendar/docketing
 - Case/practice management
 - Document management
 - Document assembly

Perfecting Your Practice



Handling the Matter Effectively

- Documentation and Delegation
- Get more work done in less time
 - Office procedure manual
 - Checklists
 - Office forms
 - Client interview form
 - Form letters

Perfecting Your Practice



How to Capture and Keep Clients

- Stop, look, and listen
- Communicate
- Establish and meet expectations
- Pick the “right” clients
- Seek feedback

Tech tip: Zoomerang and SurveyMonkey are online survey tools that are easy to use and inexpensive

Perfecting Your Practice



Thanks!

Questions?

Jim Calloway (jjmc@okbar.org)

Ross L. Kodner (rkodner@microlaw.com)

Catherine Sanders Reach (sandersc@staff.abanet.org)

Ben Schorr (bens@rolandschorr.com)

Perfecting Your Practice