

# Basic Training & Beyond

## ■ Day-One:

Is this right for me?

Getting started.

The business of the small firm.

Managing risk.

Day-Two

Client relations.

Productivity & technology.

Marketing.

# A wide-lens look before we get into the weeds

1,352,027 US licensed attorneys

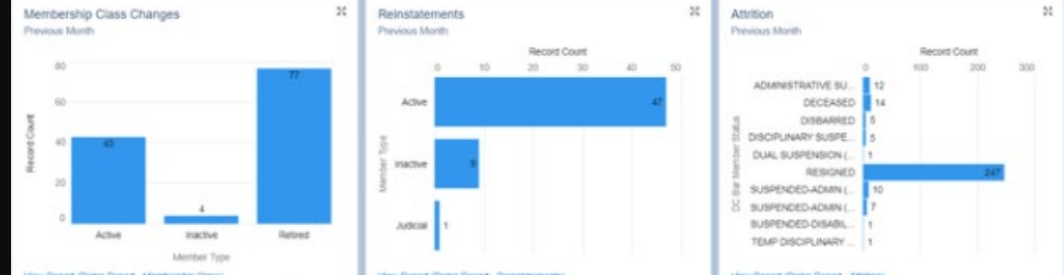
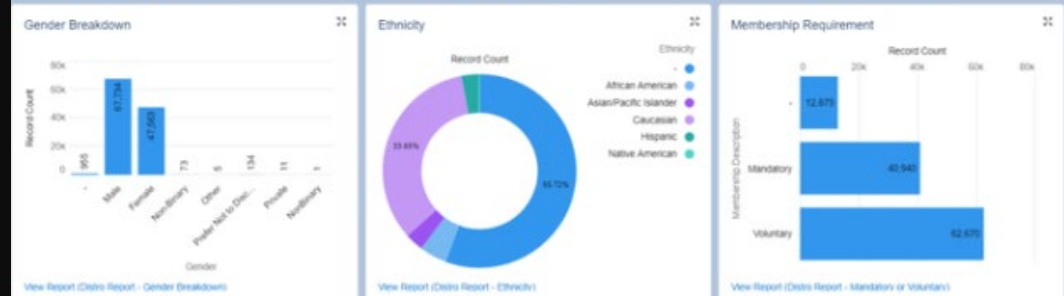
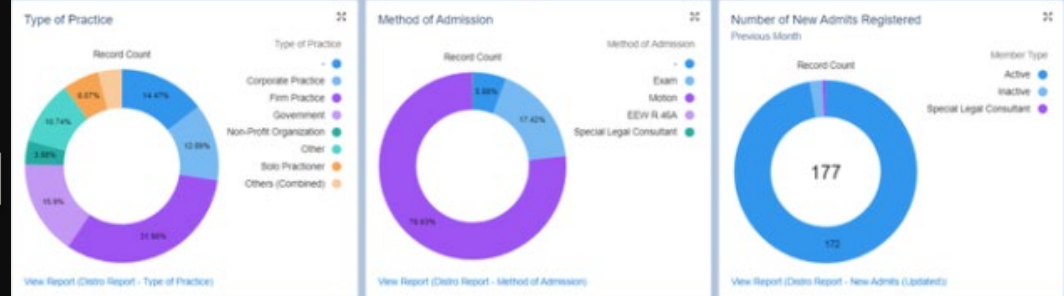
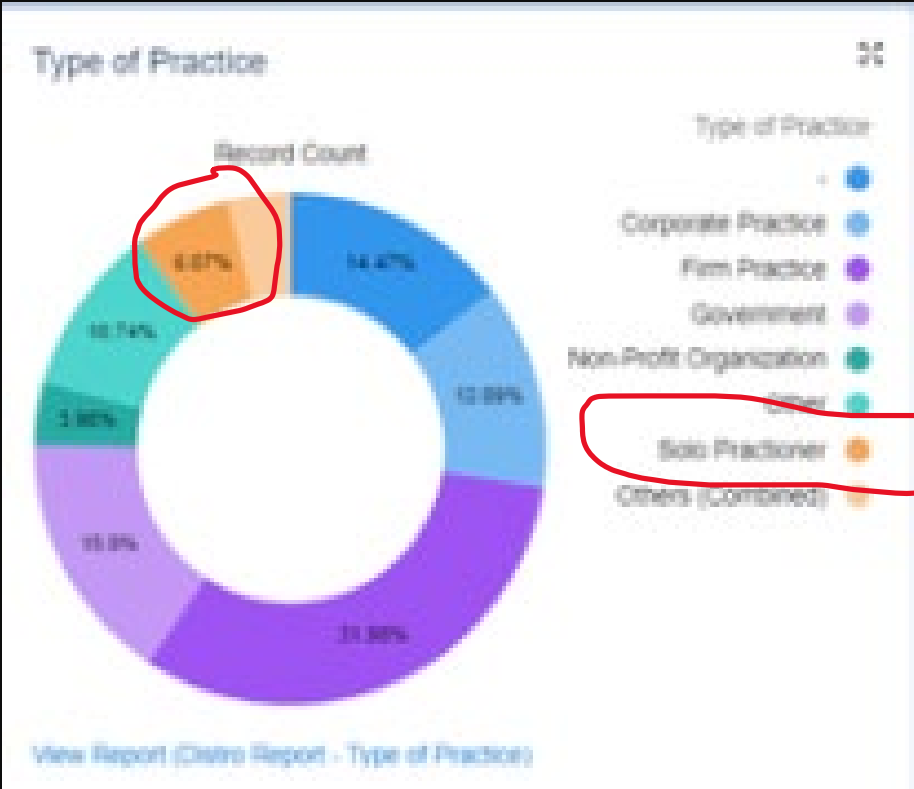
182,296 in New York State

189,532 in California

116,479 in the DC Bar

95,437 in Texas

107,010 in Florida



Small firm lawyers (10-12% of 116,000+ lawyers) generate nearly half of the docketed bar complaints annually

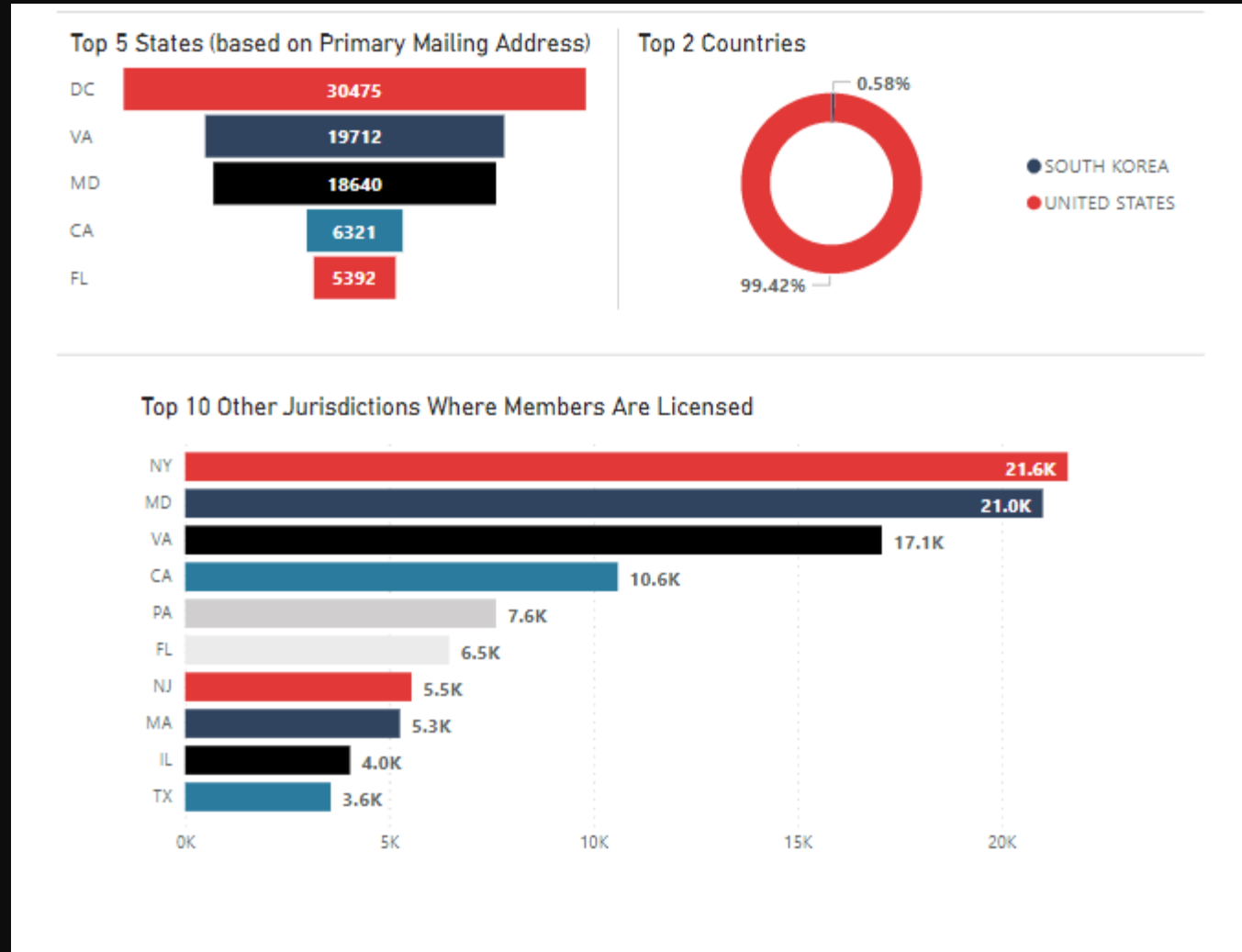
**Chart V - Type of Practice**

The District of Columbia  
Office of Disciplinary Counsel

Type of Practice	2022	%	2021	%	2020	%	2019	%	2018	%
Firm	60	37%	77	45%	88	47%	92	39%	119	40%
Solo/Small Firm	79	49%	72	42%	85	45%	110	47%	139	47%
In House	3	1.9%	8	4.7%	7	4%	15	6.4%	8	3%
Government	6	4%	6	4%	4	2%	6	3%	11	4%
Other	10	6.2%	6	3.5%	2	1%	8	3.4%	10	3.4%
Public Interest	3	2%	1	1%	1	0.5%	5	2%	7	2.4%

If you are a small firm lawyer in DC, you have a target on your back for a disciplinary complaint

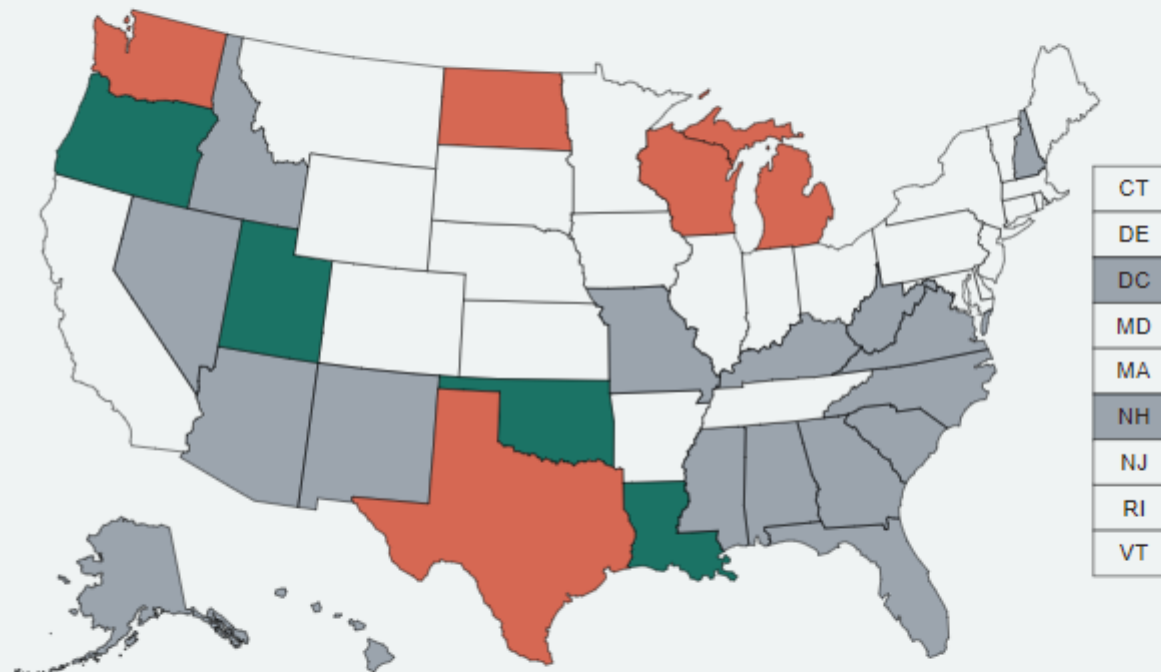
# Where DC Bar members are licensed



August 2021

## Recent Challenges to Mandatory State Bar Associations

Since the U.S. Supreme Court's 2018 decision in *Janus v. AFSCME Council 31*, which found that public sector unions could not charge fees to workers without their consent, nine state bar associations around the country have faced challenges to their own mandatory membership and dues requirements.



*Click any state to see more information*

■ Open challenges ■ Closed challenges ■ Mandatory bar, no challenges  
□ Bar membership not mandatory

# Is small firm law for me?

It's a challenging economy

It's a tough profession

Competition is intense

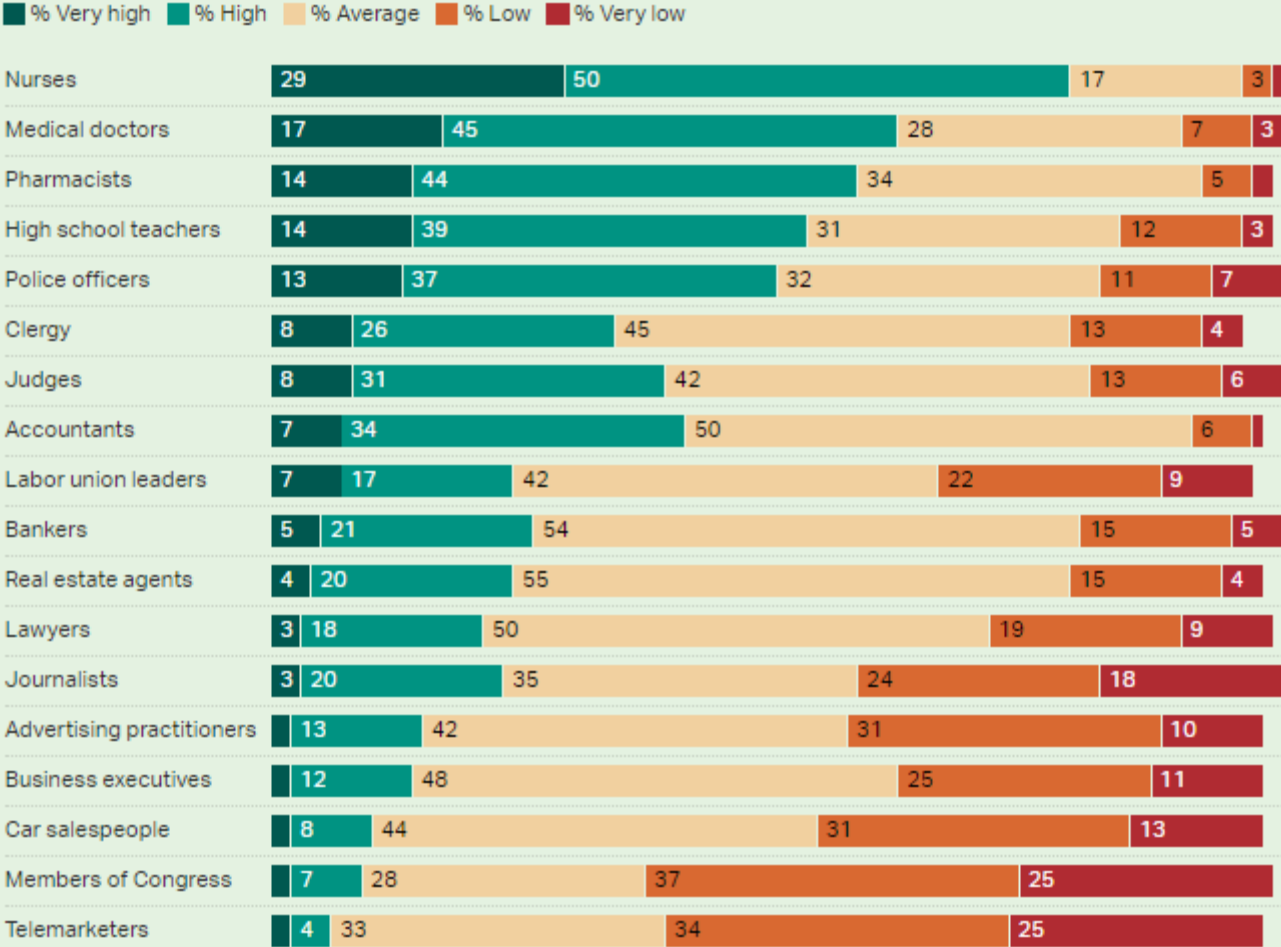
Expect an abundance of  
challenge & adventure



The public's perception of lawyers

**Americans' Ratings of Honesty and Ethics of Professions**

Please tell me how you would rate the honesty and ethical standards of people in these different fields -- very high, high, average, low or very low?



Those with no opinion are not shown.

# Historical view 1976 - 2020

9<sup>th</sup> most dishonest in  
this MoneyWise  
survey

## Lawyers

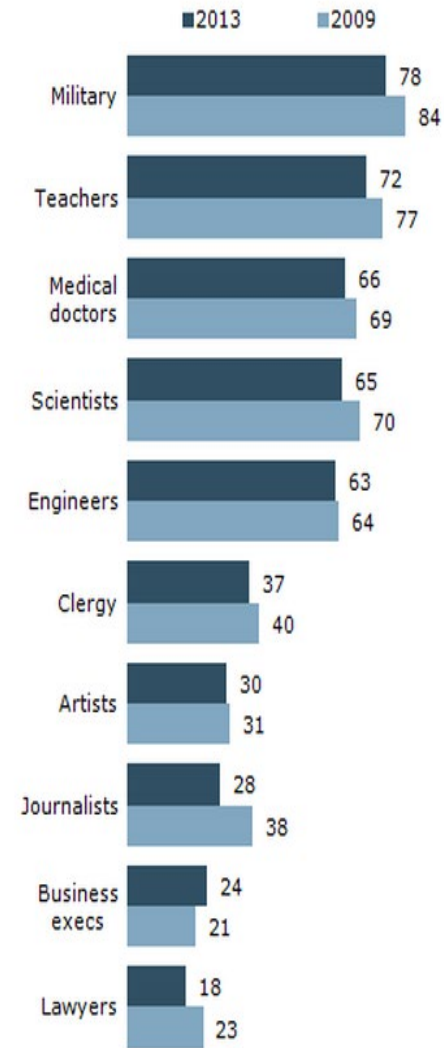
	Very high	High	Average	Low	Very low	No opinion	Very high/High
	%	%	%	%	%	%	%
2020 Dec 1-17	3	18	48	24	6	*	21
2019 Dec 2-15	4	18	49	19	9	*	22
2018 Dec 3-12	3	16	51	21	7	1	19
2017 Dec 4-11	4	14	53	19	9	1	18
2016 Dec 7-11	3	15	45	26	11	1	18
2015 Dec 2-6	4	17	44	25	9	1	21
2014 Dec 8-11	5	16	45	22	12	1	21
2013 Dec 5-8	3	17	45	23	12	1	20
2012 Nov 26-29	4	15	42	28	10	1	19
2011 Nov 28-Dec 1	3	16	43	27	10	1	19
2010 Nov 19-21	4	13	47	24	11	1	17
2009 Nov 20-22	3	10	45	28	12	1	13
2008 Nov 7-9	3	15	45	25	12	1	18
2007 Nov 30-Dec 2	2	13	49	25	10	1	15
2006 Dec 8-10	3	15	42	27	11	2	18
2005 Nov 17-20	3	15	46	25	10	1	18
2004 Nov 19-21	4	14	45	24	11	2	18
2003 Nov 14-16	3	13	47	25	11	1	16
2002 Nov 22-24	2	16	45	25	10	2	18
2001 Nov 26-27	4	14	50	23	8	1	18
2000 Nov 13-15	3	14	42	29	11	1	17
1999 Nov 4-7	1	12	45	28	13	1	13
1998 Oct 23-25	3	11	44	29	12	1	14
1997 Nov 6-9	3	12	41	31	10	3	15
1996 Dec 9-11	3	14	39	27	14	3	17
1995 Oct 19-22	4	12	36	29	17	2	16
1994 Sep 23-25	3	14	36	31	15	1	17
1993 Jul 19-21	3	13	41	28	13	2	16
1992 Jun 26-Jul 1	3	15	43	25	11	3	18
1991 May 16-19	4	18	44	21	10	5	22
1990 Feb 8-11	4	18	43	22	9	4	22
1988 Sep 23-26	3	15	45	23	10	4	18
1985 Jul 12-15	6	21	40	21	9	3	27
1983 May 20-23	5	19	43	18	9	6	24
1981 Jul 24-27	4	25	41	19	8	7	25
1977 Jul 22-25	5	21	44	19	8	4	26
1976 Jun 11-14	6	19	48	18	8	1	25

# Contribution to society's well-being

We are last ->

## Trend in Perceived Contribution

% saying each group contributes "a lot" to society's well-being



Source: Pew Research Center surveys March 21-April 8, 2013 and April 28-May 12, 2009. Q6a-j. Responses of those who said some, not very much, nothing at all and those who did not give an answer are not shown.

PEW RESEARCH CENTER

Did you know a pro bono lawyer uncovered  
the robo-signing scam during the mortgage  
crisis?

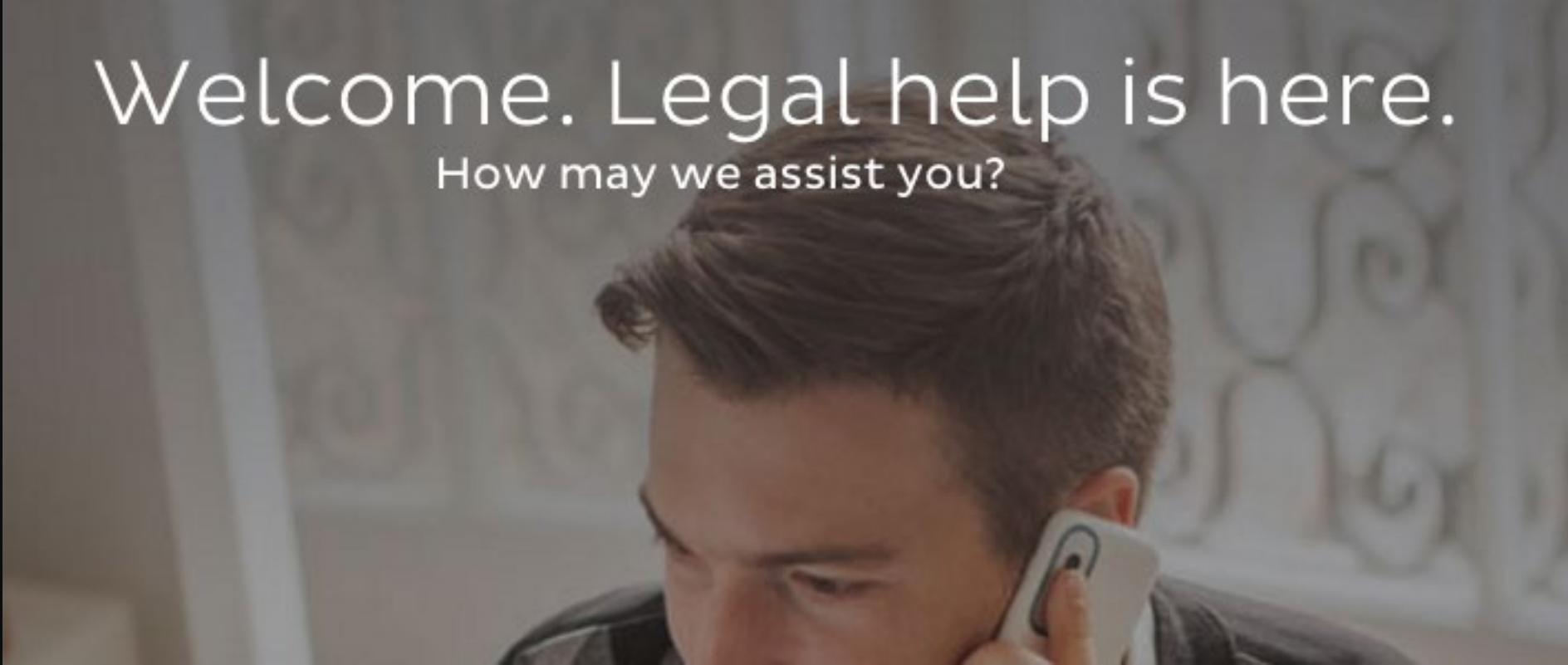
# The pressures on the profession

Client pressures  
to be more efficient & affordable

[Large firm issues](#)

Market pressures in competition for our clients

[LegalZoom](#)



Welcome. Legal help is here.  
How may we assist you?

# Welcome. Legal help is here.

How may we assist you?

Business Formation >

LLC • Corporation

Wills & Trusts >

Last Will & Testament • Living Trust

Intellectual Property >

Trademarks • Patents • Copyrights

Speak with an Attorney >

Attorney Directory

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MONTH

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help your business thrive.

3 ebooks + 20 special offers

GET THE KIT

# Want to know how the legal profession “created” LegalZoom?

Read its S-1 filed June 4, 2021:

<https://www.sec.gov/Archives/edgar/data/0001286139/000119312521182939/d146270ds1.htm>

As filed with the Securities and Exchange Commission on June 4, 2021. Registration No. 333-

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**UNITED STATES  
SECURITIES AND EXCHANGE COMMISSION**  
Washington, D.C. 20549

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**FORM S-1  
REGISTRATION STATEMENT  
UNDER  
THE SECURITIES ACT OF 1933**

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**LegalZoom.com, Inc.**  
(Exact name of registrant as specified in its charter)

Delaware (State or other jurisdiction of incorporation or organization)	7370 (Primary Standard Industrial Classification Code Number)	95-4751856 (I.R.S. Employer Identification Number)
---	---	--

101 North Brand Boulevard, 11th Floor  
Glendale, California 91203  
(323) 962-8600  
(Address, including zip code, and telephone number, including area code, of Registrant's principal executive offices)

Dan Werikoff  
Chief Executive Officer  
LegalZoom.com, Inc.  
101 North Brand Boulevard, 11th Floor  
Glendale, California 91203  
(323) 962-8600  
(Name, address, including zip code, and telephone number, including area code, of agent for service)

*Copies to:*

C. Thomas Hopkins Jodie Bourdet Josie Koudrachi Coley LLP 1333 2nd Street, Suite 400 Santa Monica, California 90401 (310) 853-6400	Noel Watson Chief Financial Officer Nicole Miller General Counsel LegalZoom.com, Inc. 101 North Brand Boulevard, 11th Floor Glendale, California 91203 (323) 962-8600	Richard A. Kline Adam J. Gelardi Latham & Watkins LLP 140 Scott Drive Menlo Park, California 94025 (650) 325-4600
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**Approximate date of commencement of proposed sale to the public: As soon as practicable after the effective date of this Registration Statement.**

If any of the securities being registered on this Form are to be offered on a delayed or continuous basis pursuant to Rule 415 under the Securities Act of 1933, check the following box.

If this form is filed to register additional securities for an offering pursuant to Rule 462(b) under the Securities Act, please check the following box and list the Securities Act registration statement number of the earlier effective registration statement for the same offering.

If this form is a post-effective amendment filed pursuant to Rule 462(c) under the Securities Act, check the following box and list the Securities Act registration statement number of the earlier effective registration statement for the same offering.

If this form is a post-effective amendment filed pursuant to Rule 462(d) under the Securities Act, check the following box and list the Securities Act registration statement number of the earlier effective registration statement for the same offering.

Indicate by check mark whether the registrant is a large accelerated filer, an accelerated filer, a non-accelerated filer, a smaller reporting company or an emerging growth company. See the definitions of "large accelerated filer," "accelerated filer," "smaller reporting company," and "emerging growth company" in Rule 12b-2 of the Exchange Act.

Large accelerated filer	<input type="checkbox"/>	Accelerated filer	<input type="checkbox"/>
Non-accelerated filer	<input type="checkbox"/>	Smaller reporting company	<input type="checkbox"/>
		Emerging growth company	<input type="checkbox"/>

If an emerging growth company, indicate by check mark if the registrant has elected not to use the extended transition period for complying with any new or revised financial accounting standards provided pursuant to Section 7(a)(2)(B) of the Securities Act.

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CALCULATION OF REGISTRATION FEE

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## LegalZoom receives ABS status in AZ



## Axion opens "reimagined law firm" in AZ

# Is Amazon a competitor?



Brand Registry

Transparency

Project Zero

IP Accelerator

Progress Report

FAQ

Contact us

Get started

amazon IP Accelerator

## Protect your intellectual property

Amazon IP Accelerator helps businesses more quickly obtain intellectual property (IP) rights and brand protection in Amazon's stores.

Get started



# TrustandWill.com



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Learn

## Estate planning made easy.

With plans starting at \$39, we've got something for everyone. See what's right for you.

Get Started



★ Trustpilot

# Hello Divorce is coming

## DIY Platform 'Hello Divorce' Raises \$2M To Fuel National Expansion

Schedule Free Strategy Call [CLICK HERE](#)

*hello*divorce.

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Get lawyer results - without the lawyer costs. Get started by taking our quiz to find out which service is right for you.

Get Started



# Utah Law on Call

Utah Law on Call is a service from Northwest that provides instant legal advice over the phone to our new Utah clients. No receptionists. No paralegals. You talk immediately to a real Utah attorney for just \$9 a month.

Need a legal matter resolved as well? Our Utah Law on Call clients also get steeply discounted rates for full-blown legal work from our team of licensed Utah attorneys. This includes legal work in the areas of business, end of life planning, real estate, and much more.



For more information or to file a complaint, please visit [sandbox.utcourts.gov](https://sandbox.utcourts.gov)

[Utah legal service innovation](#)



Cat Moon

@inspiredcat

"In a breakdown of loneliness and social support rates by profession, legal practice was the loneliest kind of work . . . [t]his is perhaps not surprising, given the known high prevalence of depression among lawyers."



America's Loneliest Workers, According to Research  
[hbr.org](https://hbr.org)

Tweet your reply



# America's Loneliest Workers



Lawyering is the most stressful job in America

But lawyers can be happy when:

We are autonomous

We are masters of our world

We are connected and have a sense of belonging



Demand for small firm services is  
and will be at an all time high

The challenge for the small firm lawyer is to:

Find the right problems


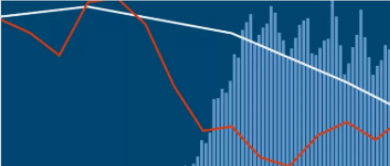

&

Get paid for solving them

How do you respond to a prospective client who shows up with this?



# The time we are in

		
<p>Clio's COVID-19 Impact Research Briefing: July 15</p> <p>Clio's third briefing on the impact of COVID-19 shows steady recovery in June across most practice areas and states. As coronavirus cases continue to rise in the US, the impact remains uncertain for July.</p>	<p>Clio's COVID-19 Impact Research Briefing: June 17</p> <p>Clio's second briefing on the impact of COVID-19 shows several weeks of decreased business for law firms, which has affected monthly billing volumes. Initial data in June however shows a sharp increase in new caseloads...</p>	<p>Clio's COVID-19 Impact Research Briefing: May 4</p> <p>Clio's first briefing on the impact of COVID-19 indicates that legal professionals have been significantly affected by social restrictions and that—despite the ongoing need for legal services—many firms are seeing reduced client demand.</p>

[Clio Legal Trends Report 2023](#)

[Clio Legal Trends Report 2022](#)

[Clio Legal Trends Report 2021](#)

[Clio Legal Trends Report 2020](#)

[Clio Legal Trends Report 2019](#)

# Register here

## Watch How Personal Injury Law Firms Use Clio

Join this free webinar to learn how personal injury law firms use Clio to improve profitability and proficiency.

Upcoming Webinar  Nov 16, 2023

## How To Manage Your Personal Injury Firm With Clio

Join this free webinar to see how Clio's suite of personal injury features can help you easily track medical records, damages, and settlements—so you...

Upcoming Webinar  Nov 14, 2023

## Watch How Law Firms Automate Intake With Clio

Upcoming Webinar  Oct 25, 2023



Product ▾

Firm Type ▾

Pricing

Why MyCase

Resources ▾

Support | Login

# Benchmark Report: How Work Gets Done in Law Firms

By Nicole Black



[MyCase Reports by Nicole Black](#)



Thomson Reuters Institute

# 2022 State of US Small Law Firms

Cause for cautious optimism

[Here is the report](#)

# Justice for Me

An affordable legal fee payment plan.

The lender's fee is like that charged  
by a credit card processor.

But is this a Rule 5.4(a) issue?

# LawPay ClientCredit



866-376-0950 | Schedule a Demo

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SOLUTIONS

INTEGRATIONS

MEMBER PROGRAMS

SUPPORT

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CREATE ACCOUNT

LOG IN

## ClientCredit

ClientCredit is a “Buy Now, Pay Later” (BNPL solution) designed specifically for the legal industry and is exclusively available through LawPay. With ClientCredit, you receive the full invoiced amount at the start of an engagement, while still offering clients the option to pay for their legal fees in installments.

### Payment Method

CARD     ECHECK     PAY LATER



For your convenience, we want to offer the latest and most reliable lending option available. Click below to securely complete your payment. It's quick and easy, and you'll get a real-time decision.

Start by entering your full name:

First Name     Last Name

Begin Process



# Here is the Ben Glass response to LegalZoom

The screenshot shows a web browser window with the following content:

- Browser Tabs:** Intranet, Contact Us - US Tax Law, BenGlassLaw VIP Program.
- URL:** [benglasslaw.com/reports/benglasslaw-vip-program-for-virginia-residents.cfm?utm\\_source=newsletter&utm\\_medium=email&utm\\_campaign=bgl-newsletter-7-24-2018&inf\\_contact\\_key=b161ccac36c496df4626bf4b88fa743faaaa87b8d7b9b31e3afdad788bf4669a](http://benglasslaw.com/reports/benglasslaw-vip-program-for-virginia-residents.cfm?utm_source=newsletter&utm_medium=email&utm_campaign=bgl-newsletter-7-24-2018&inf_contact_key=b161ccac36c496df4626bf4b88fa743faaaa87b8d7b9b31e3afdad788bf4669a)
- Header:** BENGLASSLAW™, Call (703) 584-7277, and social media icons for Facebook, Twitter, LinkedIn, YouTube, and Google+.
- Main Text:** "A New Kind of Program Designed for Virginia Residents. Learn More about Ben Glass's VIP Program!"
- Video Section:**
  - Video Title:** BGL VIP New Intro
  - Video Content:** A video featuring Ben Glass speaking, with a thumbnail showing a "Become a BenGlassLaw VIP Member (It's FREE!)" card. The card lists "Your BenGlassLaw VIP Privileges" including: 1. Free legal consultation, 2. Free legal document review, 3. Free legal document preparation, 4. Free legal document filing, 5. Free legal document storage.
- Text to the right of video:** "No surprise, many attorneys who hear about BenGlassLaw's VIP program find it too sensational to believe. They ask, 'why would you offer all these free benefits, isn't it hurting your law practice.' The honest answer is no, because we know that helping people with their small legal issues is just as important as helping them with their big legal issues."
- Call to Action:** "Become A VIP Member Today!"
- Text below CTA:** "It's been an honor serving this community for over 32 years, and we wanted to give back with a free membership program for our closest friends."
- Buttons:** "Yes, start now!" and "No, thanks"
- Live Chat Section:** A circular profile picture of Ben Glass, followed by the text "LIVE CHAT - ONLINE NOW" and "Hi, we are here to help if you have questions."

# Characteristics

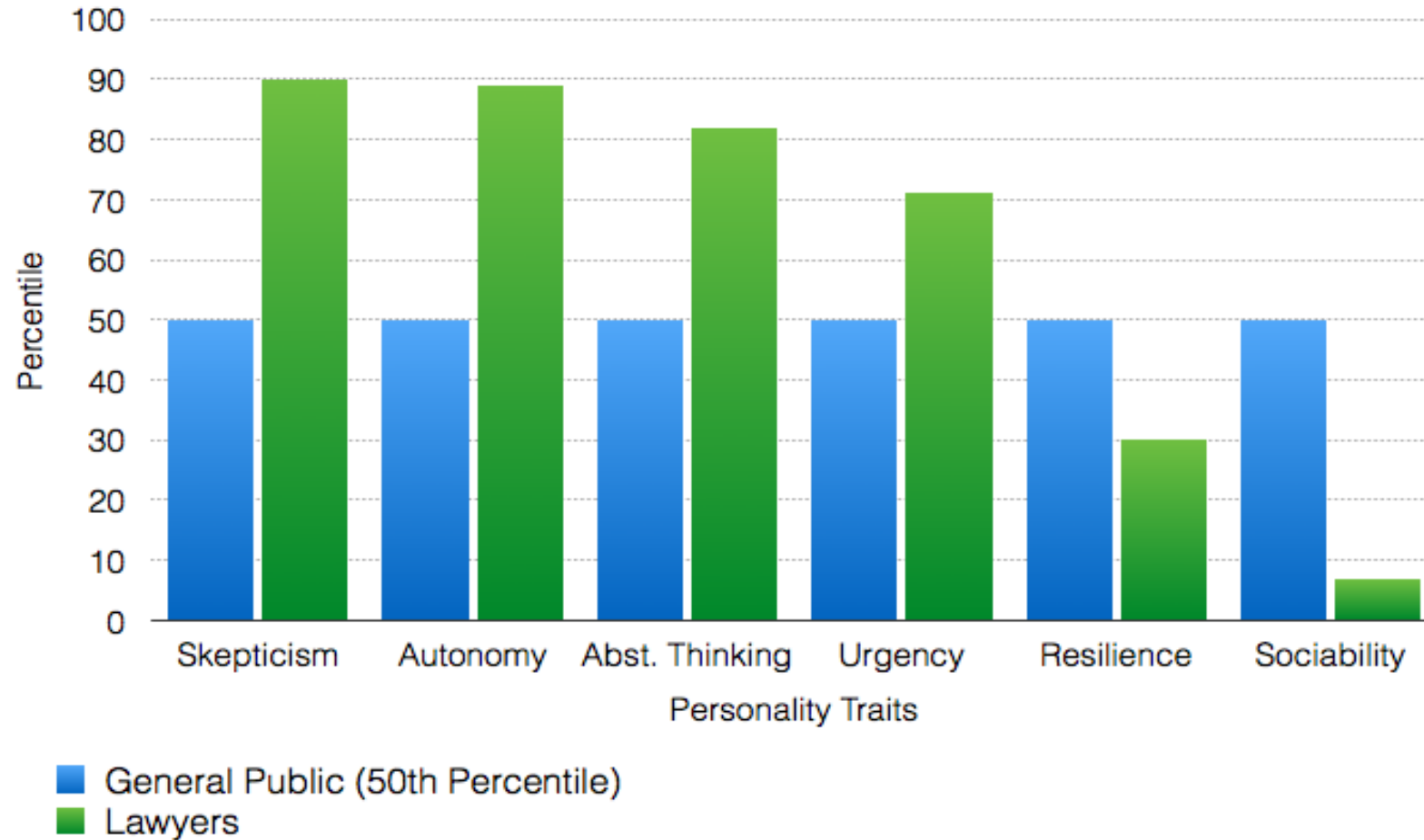
**Are you empathetic?**

**Can you listen & observe?**

**Can you make the complex  
understandable?**

**Can you maintain boundaries?**

# The 6 Predominant Lawyer Personality Traits



From the research of Larry Richard, Ph.D.

**Small firm lawyers need high EQ  
(emotional intelligence)**

**What does high EQ look like?**

## High EQ Qualities

You are optimistic.

You are not a perfectionist.

You can balance work and play.

You embrace change.

You are not easily distracted.

You are empathetic.

You know your strengths & weaknesses.

You are self-motivated.

You don't dwell in the past.

You take care of yourself.

You set boundaries.

*A person with EQ  
understands this truth:*

You cannot impact a  
feeling with a fact.

You can only impact a  
feeling with another  
feeling.

The *New York Times* bestselling  
author of *Brainstorm* and *Mindsight*

Daniel J. Siegel, MD

# AWARE

*The Science and  
Practice of Presence*

THE GROUNDBREAKING  
MEDITATION PRACTICE

A great  
resource to  
develop good  
decision making

Characteristics of the successful  
small firm lawyer

**Are you an *idea* person & a *detail* person?**

**Can you work a room? Can you close?**

**Can you screen & talk about money?**

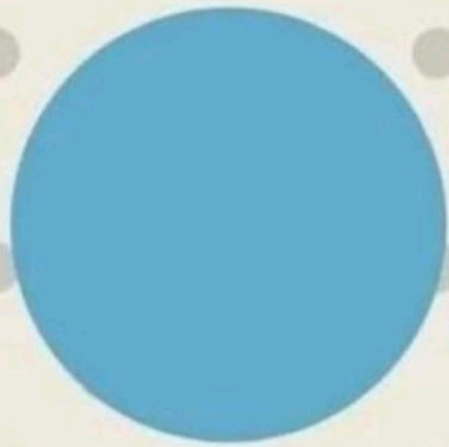
**Can you be selective about clients & cases?**

**Are you a life-long learner?**



# WHAT PEOPLE THINK EMPATHY IS

earthbound madness



Feeling sorry for someone

# WHAT EMPATHY ACTUALLY IS



- Sensing other peoples emotions
- Imagining how someone feels
- Imagine what someone is thinking
- Mirroring someone's feelings
- Identify how a person is feeling
- Understanding another person's feelings
- Seeing things from another point of view
- Really listening to what others have to say
- Feeling overwhelmed by others tragedy

# Empathy vs Sympathy

This video of Brene Brown explains the difference.

<https://www.youtube.com/watch?v=1Evwgu369Jw>

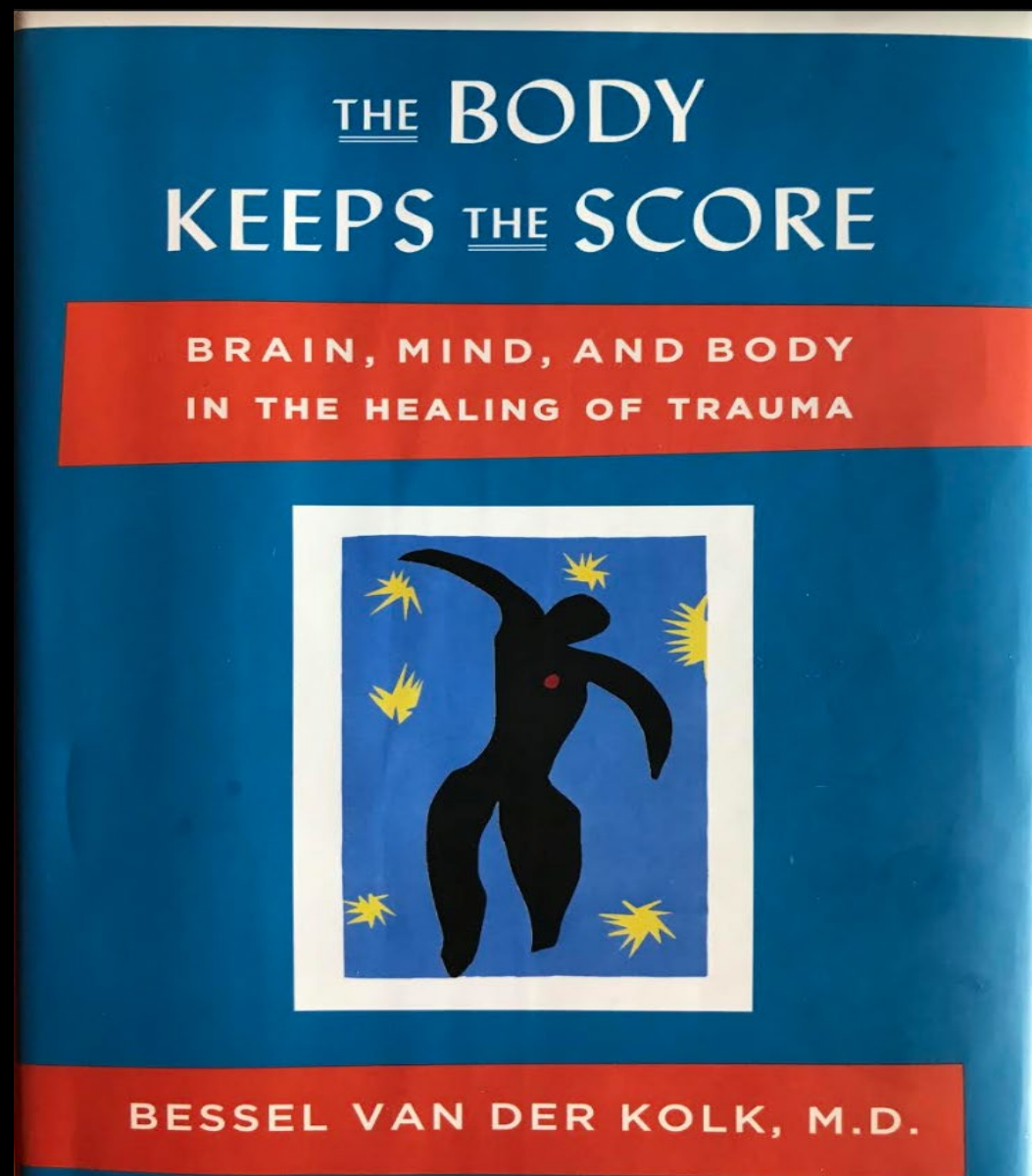


An empathetic person  
is not afraid to be vulnerable

Here's a talk by Brené Brown on  
the

[power of vulnerability](#)

If you have  
clients who  
have suffered  
trauma,  
this is a  
resource to  
understand how  
trauma  
affects a person



# The small firm focus

When we are licensed to solve the problems of others,  
it is best that our focus be narrow.

There is less challenge and risk  
in a narrowly focused small firm.

We are expert & efficient at solving our client's problem.

Our marketing initiative is better directed and more  
successful.



# Necessary skills

Active listener

Ability to negotiate

Effective writer

Good speaker

Ability to adapt

Quick study

Solution oriented

# We are regulated

We must comply with the DC Rules of Professional Conduct;

And the rules of any other jurisdiction where we are barred;

And other codes, regulations and court rules;

And not become paralyzed by regulation.

[Click here for free, confidential, informal ethics advice](#)



# We are DC Rule focused here

If you practice in another jurisdiction,  
it may be different there.

For example:

DC Rule [7.1](#) & [7.5](#) – marketing

[DC Rule 1.8\(d\)\(1\) & \(2\)](#) – client financial help

[DC Rule 5.4\(b\)](#) – non-lawyer equity partner

[DC Rule 1.6](#) – confidences & secrets

# Getting started

What's the problem you solve?

Why should a prospective client bring you into their life?

What are the skill sets you need to attract and solve the problem of your ideal client?

Are these the same skill sets?

# 76 words in a 30 second spot

Because that is what people remember

Less can be more

*The words you speak become the house you live in.*

- Hafiz

# Firm name

Rule 7.5 & 7.1

Avoid implying that you are more than you are

Using *Firm* is acceptable [Ethics Opinion 332](#)

Be cautious of and test drive the unique name

# Unique name example: *Ipseity Law*

Ipseity, from the Latin word *ipse*, meaning “itself”

*“Ipseity reminds me of my core self,*

*the me beneath all layers of adaptation & personality,*

*and that’s why I choose Iperseity Law for the*

*name of my small firm.”*

# The entity question

Know why you need an entity

Small firm legal structure

Here is information from DC Department of  
Licensing and Consumer Protection

Sole proprietor is an option

See *Choosing the Business Entity* in the e-Manual

Sole proprietors, partners & self-employed  
persons pay estimated taxes

## [DC FAQ on professional entities](#)

### **What are professional corporations (PCs) & limited liability companies (PLLCs)?**

The term “professional service” means any type of personal service to the public which may be lawfully rendered only pursuant to a license and which by law, custom, standards of professional conduct or practice in the District of Columbia, before December 10, 1971, could not be rendered by a corporation, including without limitation the services performed by certified public accountants, attorneys, architects, practitioners of the healing arts, dentists, optometrists, podiatrists, and professional engineers.

Professional Corporations must have “P.C.” or “Professional Corporation” or “Chartered” as a part of their name.

Professional LLCs must have “PLLC” or “Professional Limited Liability Company” as a part of their name.

### **What are acceptable purposes for professional corporations or LLCs?**

A professional corporation may be organized solely to render professional services through its shareholders, directors, officers, employees, or agents who are themselves duly licensed to render the particular service and to render service ancillary thereto.

A professional corporation may employ persons, who are not licensed, but such persons shall not perform professional services; and no license shall be required of any person who is employed by a professional corporation to perform services for which no license is otherwise required.

Your firm will need an EIN

[Apply to the IRS for an employer id number](#)

You will need an EIN to open your firm's  
business checking account

Avoid putting your SSN on a 1099 form

More is in the e-Manual

[IRS Employee vs Contractor Guidelines](#)



# Doing business in DC

Law firms do not need a business license  
from DC DLCP

You may need to file the FR 500 (e-Manual)

[More information about the FR500 is here](#)

# Do you need an office in DC?

DC Rules do not require it

Be careful about an office in a jurisdiction  
where you are not barred

See e-Manual for more information

The office should be client-focused

Is client data safe & secure?

# Avoiding UPL

Rule 5.5 bars a DC Bar member from the unauthorized practice of law in another jurisdiction

Every jurisdiction has its own UPL rule, regulation or code provision

See e-Manual - Avoiding the Unauthorized Practice of Law

[When emails from Colorado became UPL in Minnesota](#)

# ABA Legal Ethics Opinion 495

## Lawyers Working Remotely - 12/16/20

“The Committee’s opinion is that, in the absence of a local jurisdiction’s finding that the activity constitutes the unauthorized practice of law, a lawyer may practice the law authorized by the lawyer’s licensing jurisdiction for clients of that jurisdiction, while physically located in a jurisdiction where the lawyer is not licensed if the lawyer does not hold out the lawyer’s presence or availability to perform legal services in the local jurisdiction or actually provide legal services for matters subject to the local jurisdiction, unless otherwise authorized.”

Will a law license some day be like a driver’s license?

ABOUT US

OUR TEAM

PRACTICES


HWG

HARRIS, WILTSHIRE & GRANNIS LLP

## Avoiding Unauthorized Practice Of Law In Remote Work

August 05, 2021

Share:    

 Download

Amy Richardson and Lauren Snyder published the article “Avoiding Unauthorized Practice of Law in Remote Work” in *Law360* today.

[Click here to see the full article](#)

[Attorney Grievance Commission of MD v. Jackson](#)

[UPL: Reconsidering Regulation](#) by Hope Todd, DC Bar Legal Ethics Counsel, November/December *Washington Lawyer*

# CARR / WORKPLACES / DC Metro

**Bethesda**  
4800 Hampden Lane  
Suite 200  
Bethesda, MD

**Capitol Hill**  
300 New Jersey Ave NW  
Suite 900  
Washington, DC

**City Center**  
1325 G Street NW  
Suite 500  
Washington, DC

**Clarendon**  
3033 Wilson Boulevard  
Suite 700  
Arlington, VA

**Duke Street**  
1765 Duke Street  
Alexandria, VA

**Dupont**  
1101 Connecticut Ave NW  
Suite 450  
Washington, DC

**Friendship Heights**  
5425 Wisconsin Avenue  
Suite 600  
Chevy Chase, MD

**Georgetown**  
1050 30th Street NW  
Washington, DC

**King Street Station**  
1800 Diagonal Road  
Suite 600  
Alexandria, VA

**K Street**  
1717 K Street NW  
Suite 900  
Washington, DC

**Old Town**  
500 Montgomery Street  
Suite 400  
Alexandria, VA

**Pennsylvania Avenue**  
1701 Pennsylvania Ave  
NW  
Suite 200  
Washington, DC

**Reston Town Center**  
1818 Library Street  
Suite 500  
Reston, VA

**Rosslyn**  
1001 19th Street North  
Suite 1200  
Arlington, VA

**Tysons Boulevard**  
1750 Tysons Boulevard  
Suite 1500  
McLean, VA

**The Willard Offices**  
1455 Pennsylvania Ave NW  
Suite 400  
Washington, DC



Plus 10 additional locations found across the United States.  
Learn more at [www.carrworkplaces.com/locations](http://www.carrworkplaces.com/locations)

\*diagram not to scale

# Google My Business & virtual office issues

Engage with  
customers on  
Google for free

With a Google My Business account, you get more than a business listing. Your free Business Profile lets you easily connect with customers across Google Search and Maps.

Google My Business

Google My Business is changing

Things are changing in NY & NJ

The slow death of the NY brick & mortar office for  
lawyers



# DC Bar Member Benefits

Carr WorkPlaces

Clio, MyCase, Smokeball

Fastcase

USI Affinity



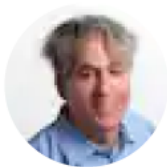
OSI

Office Services Inc.  
1629 K Street NW Suite 300  
Washington, DC  
20006

The Washington Post

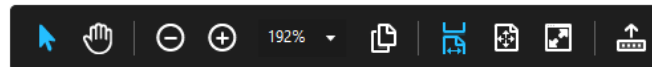
*Democracy Dies in Darkness*

# Downtown D.C.'s struggles mount as many workers remain remote



By [Paul Schwartzman](#)

January 27, 2023 at 12:22 p.m. EST



[It's a buyer's/lessee's market in DC](#)

# The law firm business plan

Planning gives your focus, control, & direction

You will have an edge over the competition

You will think about your law enterprise as a system

Planning reduces risk & increases reward

See the e-Manual for more information.

Request the plan template, workbook & spreadsheets:

[PMAS@dcbar.org](mailto:PMAS@dcbar.org)

Here is why the plan is essential

It raises issues you will not have considered

It helps you to think like an entrepreneur

It puts you in your ideal client's  
problem recognition process

Write a plan with your prospective partners



# Build your network

Small firm support systems are important

Networking events & groups are vital

Mentoring can result

Referral networks are created

Resources are located

Informal groups, voluntary bars & Communities

And social media are some of the possibilities

# Networking Opportunities

## Law is a relationship business

[Register here](#)

October 12, 2023 – IDEA and School Advocacy: How to Effectively Advocate for a Child in Need of Specialized Instruction and Related Services



November 16, 2023 – Balancing the Lawyer Budget



2<sup>nd</sup> Friday at Fireworks Pizza, 2350 Clarendon Blvd. (Clarendon Metro) in Arlington at 12:30 pm. RSVP to [steven@stevenkriegerlaw.com](mailto:steven@stevenkriegerlaw.com)

First Wednesday at *Casa Oaxaca*, 4905 Fairmont Ave., Bethesda at Noon. RSVP to [mark@markdelbianco.com](mailto:mark@markdelbianco.com)



# The business of the small firm

Fees & getting paid

Handling money

Management

Getting help

Handling client data

# Fees

How will you price your service?

Rule 1.5 says it must be *reasonable*

So you can profit, know what a productive hour is worth –

More in the e-Manual

Ask for the 168 hour time management spreadsheet

Time & effort are not necessarily value.

The client values the result.

# Covington's Eric Holder Bills at \$2,295 Hourly, New Legal Services Contract Shows

Covington and other firms have long been hired to conduct internal investigations at companies and other institutions, but in many instances the engagement letters, revealing rates and the scope of legal services, are not matters of public record.

By Mike Scarcella | April 16, 2021 at 02:19 PM

## About

OUR TEAM

SERVICES & ISSUES

LEGAL FEES

CLIENT COMMENTS

IN THE NEWS

## Legal Fees

WE TRY TO BE AS AFFORDABLE AS POSSIBLE.

All of our clients start with an **initial phone consultation** with an attorney. During your phone consultation, we will provide you legal advice regarding your tenancy issues in the District of Columbia. If you are interested in a consultation, please contact our office to submit a request. We charge \$75 for consultations for a call of up to 45 minutes.

Our regular hourly rate is \$96.60 per hour for all other services, excluding most TOPA cases.

We can discuss with you whether your landlord may be required to pay your legal fees if you are successful with your claims. If you have a strong claim for money damages against your landlord, we may be willing to take your case on contingency.

Call us at (202) 681-6871, or e-mail us at admin [at] dctenants.com, if you think we can be helpful!

## Lawyer David Boies bills \$1,950 per hour, court filing says

BY DEBRA CASSENS WEISS

JUNE 8, 2022, 8:34 AM CDT

Like 180 Share Tweet Share



David Boies is the chairman and a managing partner at Boies Schiller Flexner. Photo by Kathy Anderson // ABA Journal.

A court filing seeking legal fees in privacy litigation against Google indicates that one of the plaintiffs' lawyers—David Boies—is making \$1,950 per hour.

The hourly rate is revealed in a [June 3 motion](#) seeking more than \$1 million for legal fees and costs incurred by plaintiffs in pursuing a sanctions motion against Google, [Reuters](#) reports.

A judge had allowed the plaintiffs to seek fees and costs after concluding that Google committed discovery misconduct, partly by concealing key data and employees from the plaintiffs.

Boies, 81, is the chairman and a managing partner at Boies Schiller Flexner. His hourly rate is still below that of Neal K. Katyal, a partner at Hogan Lovells and a former U.S. acting solicitor general, who bills \$2,465 per hour, according to a filing in a bankruptcy case.

Some lawyers at Covington & Burling also make more money, according to a Department of Justice court filing. It shows that senior partners there bill up to \$2,500 per hour, [Reuters](#) reports in another story.

The privacy suit alleges that Google collected information from internet users when they use its incognito web browsing.

Other plaintiffs firms in the case are Susman Godfrey and Morgan & Morgan.

The case is *Brown v. Google*

[Clio Legal Trends Report 2023](#)

## HOURLY RATES BY STATE

State	Law Firms	Lawyers	Non-lawyers	State	Law Firms	Lawyers	Non-lawyers
<b>AL</b>	\$195	\$208	\$115	<b>NC</b>	\$229	\$254	\$132
<b>AR</b>	\$229	\$242	\$152	<b>ND</b>	\$231	\$253	\$145
<b>AZ</b>	\$242	\$266	\$154	<b>NE</b>	\$217	\$218	\$212
<b>CA</b>	\$313	\$344	\$186	<b>NH</b>	\$230	\$248	\$145
<b>CO</b>	\$236	\$261	\$142	<b>NJ</b>	\$291	\$306	\$174
<b>CT</b>	\$314	\$342	\$196	<b>NM</b>	\$219	\$242	\$132
<b>DC</b>	\$365	\$392	\$202	<b>NV</b>	\$283	\$311	\$172
<b>DE</b>	\$308	\$344	\$173	<b>NY</b>	\$339	\$358	\$215
<b>FL</b>	\$264	\$297	\$151	<b>OH</b>	\$212	\$224	\$137
<b>GA</b>	\$262	\$286	\$154	<b>OK</b>	\$218	\$235	\$122
<b>IA</b>	\$193	\$202	\$130	<b>OR</b>	\$230	\$255	\$133
<b>ID</b>	\$218	\$233	\$121	<b>PA</b>	\$272	\$288	\$183
<b>IL</b>	\$286	\$305	\$179	<b>RI</b>	\$234	\$240	\$170
<b>IN</b>	\$225	\$242	\$134	<b>SC</b>	\$218	\$249	\$122
<b>KS</b>	\$213	\$227	\$133	<b>SD</b>	\$195	\$199	\$158
<b>KY</b>	\$193	\$204	\$121	<b>TN</b>	\$218	\$233	\$127
<b>LA</b>	\$226	\$245	\$104	<b>TX</b>	\$264	\$300	\$146
<b>MA</b>	\$273	\$285	\$184	<b>UT</b>	\$231	\$250	\$135
<b>MD</b>	\$286	\$310	\$175	<b>VA</b>	\$273	\$295	\$165
<b>ME</b>	\$183	\$193	\$130	<b>VT</b>	\$216	\$226	\$119
<b>MI</b>	\$249	\$266	\$138	<b>WA</b>	\$258	\$288	\$149
<b>MN</b>	\$250	\$271	\$146	<b>WI</b>	\$219	\$231	\$157
<b>MO</b>	\$227	\$249	\$131	<b>WV</b>	\$160	\$162	\$148
<b>MS</b>	\$199	\$217	\$127	<b>WY</b>	\$224	\$241	\$145
<b>MT</b>	\$187	\$199	\$111				

[Clio Legal Trends Report 2022](#)

## HOURLY RATES BY STATE

State	Law Firms	Lawyers	Non-lawyers	State	Law Firms	Lawyers	Non-lawyers
AL	\$196	\$211	\$108	NC	\$237	\$262	\$136
AR	\$233	\$248	\$140	ND	\$245	\$268	\$154
AZ	\$239	\$268	\$149	NE	\$221	\$219	\$228
CA	\$326	\$358	\$185	NH	\$234	\$256	\$144
CO	\$244	\$271	\$143	NJ	\$310	\$330	\$167
CT	\$314	\$350	\$167	NM	\$220	\$244	\$131
DC	\$384	\$424	\$192	NV	\$288	\$318	\$177
DE	\$323	\$358	\$172	NY	\$355	\$378	\$211
FL	\$268	\$303	\$150	OH	\$224	\$238	\$139
GA	\$266	\$288	\$158	OK	\$215	\$230	\$125
IA	\$185	\$192	\$130	OR	\$237	\$263	\$137
ID	\$219	\$235	\$125	PA	\$274	\$290	\$182
IL	\$293	\$314	\$162	RI	\$228	\$238	\$157
IN	\$233	\$251	\$134	SC	\$223	\$259	\$119
KS	\$233	\$248	\$137	SD	\$181	\$189	\$119
KY	\$204	\$216	\$133	TN	\$229	\$247	\$125
LA	\$228	\$250	\$100	TX	\$273	\$313	\$150
MA	\$275	\$290	\$178	UT	\$238	\$260	\$134
MD	\$293	\$319	\$163	VA	\$281	\$304	\$163
ME	\$186	\$195	\$128	VT	\$220	\$235	\$108
MI	\$251	\$269	\$128	WA	\$264	\$296	\$156
MN	\$254	\$274	\$153	WI	\$238	\$251	\$162
MO	\$231	\$254	\$132	WV	\$163	\$168	\$123
MS	\$205	\$225	\$123	WY	\$246	\$266	\$124
MT	\$197	\$213	\$115				

# Clio Legal Trends 2021

## HOURLY RATES BY STATE

State	Law Firms	Lawyers	Non-lawyers	State	Law Firms	Lawyers	Non-lawyers
AL	\$194	\$206	\$105	NC	\$231	\$255	\$131
AR	\$235	\$251	\$131	ND	\$246	\$264	\$164
AZ	\$233	\$260	\$142	NE	\$223	\$224	\$218
CA	\$319	\$352	\$172	NH	\$219	\$239	\$141
CO	\$242	\$267	\$138	NJ	\$307	\$324	\$163
CT	\$301	\$335	\$162	NM	\$219	\$243	\$134
DC	\$373	\$411	\$187	NV	\$289	\$320	\$174
DE	\$315	\$353	\$166	NY	\$351	\$372	\$220
FL	\$264	\$296	\$144	OH	\$221	\$234	\$138
GA	\$256	\$275	\$154	OK	\$210	\$225	\$122
IA	\$182	\$189	\$134	OR	\$231	\$257	\$131
ID	\$213	\$227	\$117	PA	\$271	\$287	\$183
IL	\$288	\$309	\$160	RI	\$211	\$221	\$120
IN	\$223	\$239	\$131	SC	\$211	\$246	\$113
KS	\$225	\$237	\$148	SD	\$177	\$183	\$110
KY	\$203	\$214	\$130	TN	\$218	\$235	\$120
LA	\$221	\$244	\$99	TX	\$265	\$301	\$146
MA	\$273	\$285	\$187	UT	\$231	\$251	\$127
MD	\$290	\$312	\$170	VA	\$275	\$295	\$159

# Productive hour calculation

**Monthly expenses X 12**

**\$5k professional, \$5k personal X 12 = \$120,000.00**

**\$120k / 50 weeks = \$2400.00**

**\$2400 / 5 days = \$480.00**

**\$480 / 3 productive hours each day = \$160.00**

**( / = divide)**

# Incorporating profit

**\$160.00 + \$90 profit = \$250.00 hourly rate**

**\$250.00 X 3 productive hours a day = \$750.00**

**\$750.00 X 5 days = \$3750.00**

**\$3750.00 X 50 weeks = \$187,500.00**

**\$187,500 - \$120,000 = \$67,500.00 profit**



# Revenue – Expense = Profit

When the small firm does not intend to profit,  
it is simply surfing cash flow.

Here is how to know when you are profiting:

Total Fixed Cost / (Market Price – Cost) = Matters  
needed to break even

\$5000 Fixed Cost (month) / (\$1000 - \$750) = 20  
matters a month to break even

Revenue – Expense = Profit

Compare to a firm with more margin in the formula

$\$5000 \text{ Fixed Cost (month)} / (\$2500 - \$750) = 3$  matters a month to break  
even

How do you know the market?

[Rule 1.5\(a\)\(3\)](#)

Bar associations cannot tell you

Experienced lawyers & [Clio reports](#) are the  
best sources

[The USAO's Fitzpatrick matrix is here](#)

[Above the Law accounts](#)

# DC US Attorney's Office Fitzpatrick Matrix

<https://www.justice.gov/usao-dc/page/file/1504361/download>

## THE FITZPATRICK MATRIX

Hourly Rates (\$) for Legal Fees for Complex Federal Litigation in the District of Columbia

Years Exp. / Billing Yr.	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
35+	535	563	591	619	647	675	703	731	736	760	807
34	534	562	590	618	646	674	702	729	734	758	805
33	532	560	588	616	644	672	700	728	733	757	804
32	530	558	586	614	642	670	698	726	730	754	801
31	527	555	583	611	639	667	695	723	728	752	799
30	524	552	580	608	636	664	692	720	725	749	795
29	521	549	577	605	633	661	689	717	721	745	791
28	517	545	573	601	629	657	685	713	717	741	787
27	512	540	568	596	624	652	680	708	713	736	782
26	508	536	564	592	620	648	676	704	708	731	776
25	502	530	558	586	614	642	670	698	703	726	771
24	497	525	553	581	609	637	665	693	697	720	765
23	491	519	547	575	603	630	658	686	691	714	758
22	484	512	540	568	596	624	652	680	684	707	751
21	477	505	533	561	589	617	645	673	677	699	742
20	470	498	526	553	581	609	637	665	670	692	735
19	462	490	518	546	574	602	630	658	662	684	726
18	453	481	509	537	565	593	621	649	653	675	717
17	445	473	500	528	556	584	612	640	645	666	707
16	435	463	491	519	547	575	603	631	635	656	697
15	426	454	482	510	538	566	593	621	626	647	687
14	416	443	471	499	527	555	583	611	615	635	674
13	405	433	461	489	517	545	573	601	605	625	664
12	394	422	450	478	506	534	562	590	594	614	652
11	382	410	438	466	494	522	550	578	582	601	638
10	371	399	427	455	483	510	538	566	570	589	625
9	358	386	414	442	470	498	526	554	558	576	612
8	345	373	401	429	457	485	513	541	545	563	598
7	332	360	388	416	444	472	500	528	532	550	584
6	319	347	375	403	431	458	486	514	518	535	568
5	305	332	360	388	416	444	472	500	504	521	553
4	290	318	346	374	402	430	458	486	489	505	536
3	275	303	331	359	387	415	443	471	474	490	520
2	260	287	315	343	371	399	427	455	458	473	502
1	244	272	300	328	356	384	412	439	442	457	485
0	227	255	283	311	339	367	395	423	426	440	467
P*	130	140	150	160	169	179	189	199	200	207	220

\* = Paralegals/Law Clerks

# The best business model for getting paid



The Zips model works for the small firm

No inventory

Nothing perishable

Get paid up front

# Charging for the initial consultation



SERVICE   DATE & TIME   CONTACT INFO   CONFIRMATION

**Family Law (Custody/Child Support/Divorce) Consultation - 1 hour (By Phone) — \$300.00**

SELECT

Need advice on custody, child support or divorce issues? This session is designed to help you navigate your family law matter.

**Family Law (Custody/Child Support/Divorce) Consultation - 1 hour (By Zoom) — \$300.00**

SELECT

Need advice on custody, child support or divorce issues? This session is designed to help you navigate your family law matter.

Gamer Law PLLC

[info@gamerlawpllc.com](mailto:info@gamerlawpllc.com) | 202-627-6809 | [www.gamerlawpllc.com](http://www.gamerlawpllc.com)

[Garner Law PLLC](#)

# The fee agreement

A plan for solving your client's problem

A plan for getting paid

Rule 1.5(b) requires a writing covering the scope, fee & expenses

A contingent fee "agreement" is required as is a written statement of the outcome - Rule 1.5(c)



# The best practice

Create a client-friendly contract that complies with Rule 1.5 and [Rule 1.15](#) (when necessary)

Address other important issues like how you will communicate, what is expected of the client & what happens to the file

The e-Manual covers other terms

Request sample forms at [PMAS@dcbar.org](mailto:PMAS@dcbar.org)

# Limited Scope Opportunity

D.C. Superior Court has issued [Admin Order 14-10](#) allowing limited appearances in these divisions:

Civil

Probate

Tax

■ Family

Domestic Violence

[RPC 1.2 has been amended.](#)

See more in the e-Manual for forms.

# Bar Complaint Form

It asks this question regardless of the nature of the complaint:

*D. Do you have a written retainer agreement with the attorney? If yes, please attach a copy.*

There is no exception in Rule 1.5 for a client who is pro bono, court appointed, friend or family

# Screen shot of a portion of the bar complaint form:

B. Attorney Complained Of:

Name: \_\_\_\_\_  
(First) (Initial) (Last)

Address: \_\_\_\_\_  
(Street) (Apt. #)  
\_\_\_\_\_  
(City) (State) (Zip)

Telephone No.: \_\_\_\_\_ Attorney's Bar No., if known: \_\_\_\_\_

C. Have you filed a complaint about this matter anywhere else?  Yes  No // If yes, please give details.  
\_\_\_\_\_  
\_\_\_\_\_

D. Do you have a written retainer agreement with the attorney?  Yes  No // If yes, please attach a copy.  
\_\_\_\_\_

E. Where applicable, state the name of the court where the underlying case was filed, and the case name and number.  
\_\_\_\_\_  
\_\_\_\_\_

F. Do you have other documents that are relevant?  Yes  No // If yes, please give details and provide copies.  
\_\_\_\_\_  
\_\_\_\_\_

**SEE REVERSE SIDE FOR REQUIRED DETAILS & SIGNATURE**

G. DETAILS OF COMPLAINT: \_\_\_\_\_  
\_\_\_\_\_

# Small firm bank accounts

- The firm's business account (operating account)
- DC IOLTA, assuming there are IOLTA eligible funds
- Trust Account for a single client or case, assuming the need exists

# What goes where?

If you have done the work and earned the money, it goes into the business or operating account.

When it is an advance fee, when you are paid before you have done the work, when you have not yet earned the money, it goes into the IOLTA, assuming it is nominal in amount or going to be held for a short time.

# Elements of good trust account management:

A ledger for each account;

Advance fees (flat, fixed or hourly) are entrusted (DC IOLTA);

Keep a client ledger for each client's money held in trust;

Include a summary of a client's trust funds in the invoice;

Use the three-way trust account reconciliation spreadsheet.

# e-Manual, Chapter 5, Trust Accounting

Use the [DC IOLTA Registration Form](#) to open an IOLTA at an IOLTA compliant bank

Most advance fees are IOLTA eligible because they will not earn net interest for the client

Name your IOLTA properly ([Rule 1.15\(b\)](#)) Example:

*Daniel M. Mills Lawyer DC IOLTA, or*

*The Mills Firm DC IOLTA*



## IOLTA Exceptions / Rule 1.15

“... when the lawyer is otherwise compliant with the contrary mandates of a tribunal ...”

If you are licensed, principally practice & are IOLTA compliant in another jurisdiction. Rule 1.15(b)

“... unless the client gives informed consent to a different arrangement.” Rule 1.15(e)

# The problem with “informed consent to a different arrangement”

The Rules don't explain it

[Rule 1.15\(e\)](#) does not yet set out the element of  
waiver of entrustment

After [In Re Mance](#), Disciplinary Counsel waited on the  
right set of facts to clearly establish the elements. It  
happened in [In Re Ponds](#)

[DC courts link for In Re Ponds](#)

Waiver of entrustment is high risk conduct

After *Ponds & Mance*, here is what we now know about informed consent to waiver of entrustment

Orally & in writing the client agrees that:

1. Advance fees normally go into the IOLTA;
2. Un-entrusted fees are treated as the lawyer's property;
3. Lawyer must explain the service & do the work to earn the fee;
4. Unearned fee must be returned to the client;
5. Un-entrusted fees are subject to the lawyer's creditors;
6. If the client does not consent, the advance fee must go into IOLTA

# Credit Card Payments

Be certain the payment goes into the right law firm account

LawPay is a DC Bar member benefit for credit card processing

LEO 348 Accepting Credit Cards for Payment of Legal Fees

The charge back risk & credit card provisions for fee agreements: request at [PMAS@dcbar.org](mailto:PMAS@dcbar.org)

# Bank account record keeping

Maintain complete records for tax purposes;

Maintain complete records for trust account purposes  
(Rule 1.15(a);

“Complete records” tell the full story of how the lawyer handled the money and whether the lawyer followed the Rules – *In Re Clower*, 831 A. 2d 1030, DCCA 2003

Include supporting data

# The law firm bank statement

Should only be opened or accessible by you;

Should be examined regularly;

Never delegate this task regardless of how big, busy & successful you become;

Only delegate financial duties after your thorough review of the bank statement;

Reconcile the bank statement with your trust account ledger & client ledgers.

## **Legal Issues**

# **Staffer from major law firm sentenced to prison for spending \$425,000 on designer clothes, candles and other luxuries**

He could not explain the impulse behind the fraud during a sentencing hearing Monday.

By Rachel Weiner



# NC Paralegal Charged With Stealing \$1.5M From Firm's Clients



By [Chart Riggall](#) · [Listen to article](#)

Law360 (July 20, 2023, 12:27 PM EDT) -- Federal prosecutors have charged a North Carolina paralegal with embezzling more than \$1.5 million from client trust accounts controlled by the law firm where she worked, the [U.S. Department of Justice](#) announced Wednesday.

Jennifer Elaine Roarke, 54, was indicted on a single count of wire fraud after prosecutors say she made "hundreds" of wire transfers from firm clients' accounts to her own between 2015 and 2021.

Roarke — also known as Jennifer Claveria and a resident of Hickory, North Carolina — has surrendered to authorities and was expected to have her first appearance hearing Thursday, court records show.

According to the indictment, Roarke spent nearly 15 years with the firm — which was not named in court records — from 2007 to 2021. One of the firm's practice areas was custody of trust accounts for its clients, and Roarke, as a paralegal, was tasked with cashing checks and processing invoices for those accounts.

## Useful Tools & Links

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## Related Sections

- [Legal Ethics](#)
- [North Carolina](#)
- [White Collar](#)

## Case Information

### Case Title

[USA v. Roarke](#)

### Case Number

[5:23-cr-00026](#)

### Court

[North Carolina Western](#)

### Nature of Suit

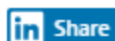
[Click here for entire story](#)



## Once-prominent disbarred lawyer sues bank for allegedly failing to stop his employee's embezzlement

BY DEBRA CASSENS WEISS

APRIL 13, 2022, 2:18 PM CDT



*Image from Shutterstock.*

[April 11 lawsuit.](#)

The suit says some of the money was taken from Grimm's IOLTA account, which holds money in a trust for clients. Money was also taken from two other accounts at PNC Bank.

A once-prominent lawyer in Washington, D.C., has sued PNC Bank for allegedly ignoring “red flags and serious irregularities” that allowed an employee to embezzle money from him.

The former lawyer, Bernard Grimm, agreed to disbarment last year following an ethics investigation spurred by a bounced check. He claims that his employee embezzled \$725,000 from accounts at PNC Bank, and that part of the money was stolen after he put the financial institution on notice of a fraudulent scheme in his accounts.

[Reuters](#) and [Law.com](#) have coverage of Grimm's

# Trust account scams

It typically begins with a remote “client”;

It will involve a check to deposit into your trust account and fees for you;

The scammer will want funds wired to another account (usually off-shore)'

Never wire funds until the check has cleared'

To be safe, send the check for “collection” (UCC 4-501).

BANKING LAW

## Wells Fargo didn't have contractual duty to catch scam check that cost law firm nearly \$200K, judge rules

BY DEBRA CASSENS WEISS

JULY 21, 2022, 3:27 PM CDT

Like 44

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Print



A scammed law firm that wired nearly \$200,000 to a Nigerian bank can't recover the money from Wells Fargo, a federal judge in Pennsylvania has ruled.

The decision is a loss for Pennsylvania law firm Perlberger Law Associates and lawyer Hanna Perlberger, who didn't know that the check that she received was forged before depositing it and wiring the funds to a purported client. Wells Fargo

## IOLTA eligible funds . . .

- **Must be held in an approved IOLTA bank;**
- **Are funds that are nominal in amount, or,**
  - **Held for a short period of time;**
- **Such that effort to administer "consumes" interest income.**
- **Example of an account name: *Daniel M. Mills DC IOLTA Account*;**
- **Interest goes to the DC Bar Foundation for pro bono legal services.**



## IOLTA Program Data July 2022

Net Interest (gross after service fees): \$115,463.56

Average Daily Balance: \$527,081,029

Number of approved depositories: 47 (25 remitting)

The top 10 Banks account for 88% of Revenue

Bank	Number of Accounts	Monthly New Revenue
Bank of America	395	24,874.58
Eagle Bank	96	13,596.77
Wells Fargo	478	25,282.81
Citibank	499	12,329.46
Truist Bank	367	10,172.92
United Bank	107	5,252.74
PNC	277	3,235.26
Capital One Bank	188	3,229.9

# Trust Account Records

- **What are you required to keep? *Complete records* - Rule 1.15(a);**
- **How long? . . . *for a period of five years after termination of the representation.* Rule 1.15(a);**
  - **But is it ever safe to destroy trust account records when there is no statute of limitation on a disciplinary complaint?**

# Complete records?

- **What are complete records of a trust account transaction?**
- **If Bar Counsel cannot figure it out from your records, then your records are not complete.**
- ***In re Donald A. Clower*, 831 A.2d 1030, DCCA 2003.**

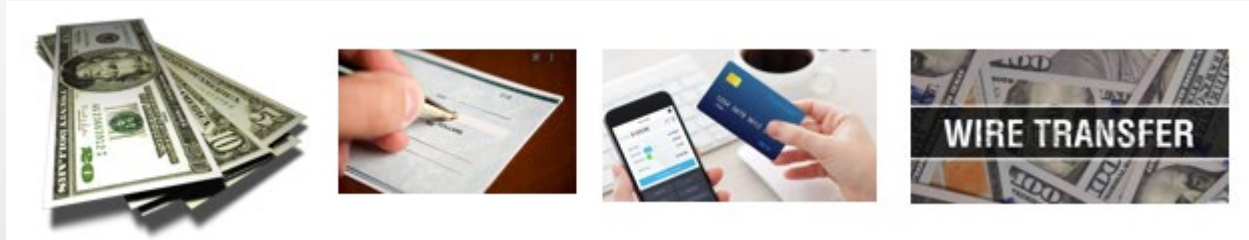
- **“Complete records” tell the full story of how the lawyer handled the money and whether the lawyer followed the Rules;**
- **If the records show what happened and that you complied with the Rules, then they are complete;**
  - **“The reason for requiring complete records is so that any audit of the attorney’s handling of clients funds by Bar Counsel can be completed even if the attorney or the client, or both, are not available.” *In re Clower* at 1034.**



*What is ODC's expectation for complete records in a contingency fee matter?*

**ODC wants to see the underlying documentation for every entry on the recovered fund (settlement) distribution sheet.**

# Managing Money



IOLTA



Operating

So where does the money go?

If the Fee is an ...



Advance Fee/Expense  
or Settlement



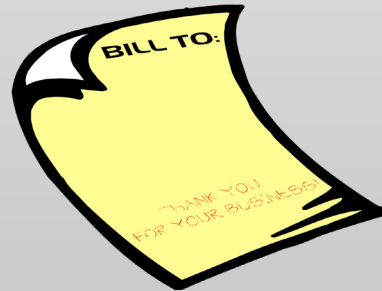
It goes in your...

IOLTA Account

**With the advance  
fee in the IOLTA,  
then you....**



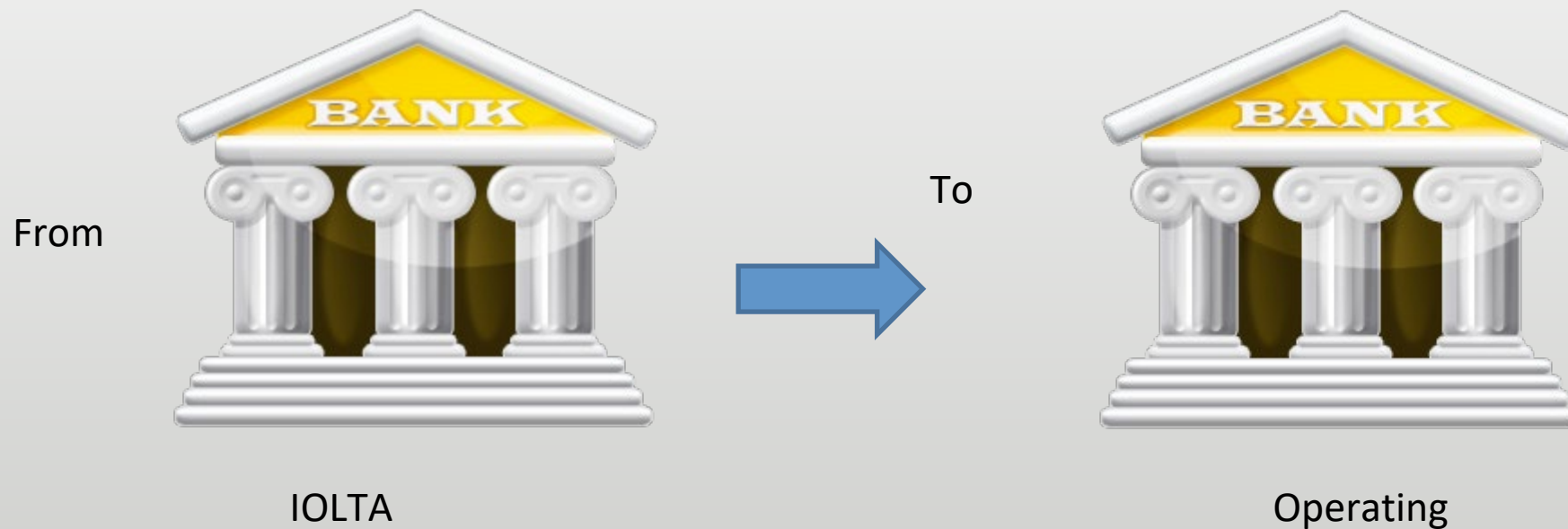
Perform the work



Send invoice

And then...

# Transfer the attorney fee pursuant to your fee agreement ...

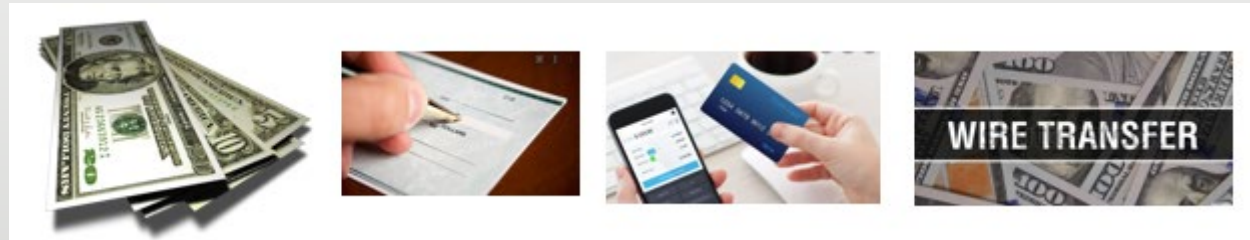


These separate accounts can be at the same bank or different banks

# Recovered funds in a contingency fee matter

- Check is deposited into the firm's IOLTA
  - Wait for the check to clear
- When funds are available, distribute according to the fee agreement and claims of valid third parties

What if you get paid after the work is performed?

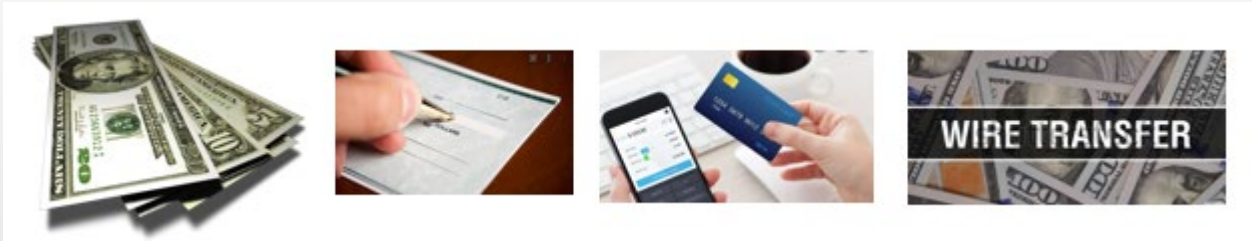


Then you deposit straight to...



Operating Account





NEVER



Advance Fee

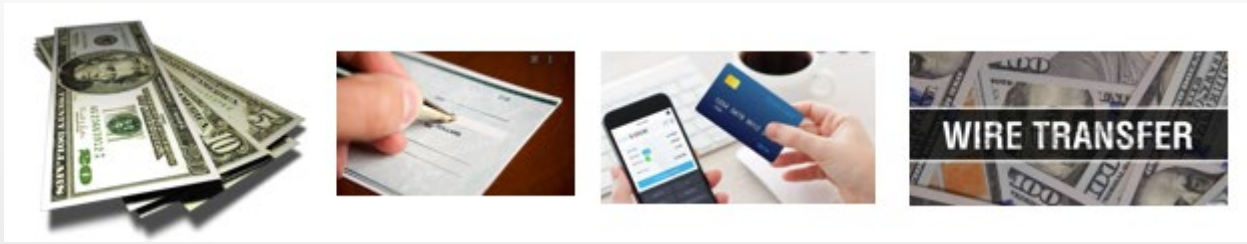


Operating Account

UNLESS.....

You obtain the client's "Informed Consent" to deposit their money into your operating account - Rule 1.15(e).

Best Practice Tip: Don't Do This!



NEVER



# Law firm Money



IOLTA Account

Except....

You can only put law firm  
money into an IOLTA Account  
pursuant to D.C. Rule 1.15(f)  
which says...

*Nothing in this rule shall prohibit a  
lawyer from placing a small amount  
of the lawyer's funds into a trust  
account for the sole purpose of  
defraying bank charges that may be  
made against that account.*

# Simplify your legal accounting

Accounting software for law firms

- Easy to use and built exclusively for law firms
- Track all activity at the client level
- Stay compliant with simple trust accounting

TrustBooks

# **In Re Mance**

## **980 A.2d 1196 (D.C. 2009)**

- **A flat fee is now an advance fee when it is paid before work begins**
- **Rule 1.15(e) applies - it must be entrusted**
  - **Advance flat fees go into the IOLTA**
- **The fee agreement determines how and when you earn the fee**
  - **A lawyer cannot earn a fee for doing nothing. *In re Sather*, 3 P.3d at 414**

# When does a flat fee go into the operating account?

- When the work is done and the fee is earned.
- If a flat fee is paid after the work is performed, it goes into the operating account.

# Availability - What's that?

- Flat fee is generally not an *engagement retainer* (classic definition)
- Engagement retainer refers to availability, if required
- Flat fee for a task-based matter may cover all the work to be done
  - LEO 355 - Flat Fees & Trust Accounts
  - Availability gigs are rare and unique



Rule 1.15(e) informed consent as impacted by In Re Ponds - what is needed?

- Flat fees normally are entrusted
- Un-entrusted fee will be treated as the lawyer's property
- Lawyer must work for the fee to keep it
- Lawyer must explain the benefit or service
- Lawyer must refund any fee not earned
- Fee is subject to the lawyer's creditors

*If the client says no to informed consent for waiver, the advance fee must go into IOLTA*

**IN RE KENNETH A. MARTIN  
NO. 11-BG-775 DCCA February 13, 2014**

- **If a client, *with reasonable promptness*, disputes a lawyer's fee after it has been withdrawn from the trust account, the lawyer must return the disputed sum to the trust account;**
- **Unearned fees that must be returned to the client under Rule 1.16(d) include an arbitration award in favor of the client.**

For a good discussion of advance fees read [ABA Formal Opinion 505](#)

This opinion is consistent with [\*In Re Mance\*](#).

# The new Managing Money course

[Here are the dates in 2023](#)

9 a.m. – 12:30 p.m., at DC Bar Headquarters only

March 13, June 12, September 28, December 4, 2023

If you are interested in a private session for your firm or organization, email [PMAS@dcbar.org](mailto:PMAS@dcbar.org) with “Managing Money” in the subject line.

The course tracks the earning mechanism in seven types of fee agreements & manages funds in the IOLTA & operating account as representations unfold.

**From the DC Bar, it is free &  
confidential**

- **Hope Todd, Saul Singer, Nakia Matthews & Erika Stillabower;**
- **202-737-4700 / ext. 1010**
- **[ethics@dcbar.org](mailto:ethics@dcbar.org)**

# Practice management help

We are free and confidential too

**Dan Mills / 202-780-2762 / [dmills@dcbar.org](mailto:dmills@dcbar.org)**

**Kaitlin McGee / 202-780-2764 / [kmcgee@dcbar.org](mailto:kmcgee@dcbar.org)**

# Managing the small firm

A system for the paper & digital data

A system for time & dates

Invoicing & handling money

Work flows & procedures in your office

e-Manual, Chapter 8, Office Management

# *An onboarding system for the new client*

What do you want the client to know about you?

How do you manage the representation?

How will you communicate?

How does the fee agreement work?

Do you accept electronic payments?



[Download the checklist](#)

<https://www.gimbalcanada.com/>

# 22 Core Processes You Need in Your Law Firm

Do you have the processes in place to run your firm effectively? Get the checklist and find out!

**GET THE CHECKLIST NOW!**

You consent to receiving the Process Checklist and other information about business efficiency & practice management.

We respect your privacy. Unsubscribe at any time.



# Tracking your work

Whether you charge for time or results, you need to know what you are doing & where you are spending your time

Useful tools: [time59.com](http://time59.com) [Timeslips](http://Timeslips) [Clio](http://Clio) [Timesolv](http://Timesolv)

[Clio is a DC Bar member benefit](#)

Ask for the 168 hour time management spreadsheet at [PMAS@dcbar.org](mailto:PMAS@dcbar.org)

# Invoicing

It starts in your initial consultation

It should be described in the fee agreement

It should be tied to value

It should involve a highly functional system in your law office

Invoices that show progress get paid

e-Manual, Chapter 6, Billing Practices

# Project management

Keeping track of every prospective client, engaged client, administrative & marketing initiative in your law firm

Start with the Case & Action Manager spreadsheet;  
request from [PMAS@dcbar.org](mailto:PMAS@dcbar.org)

[Consider Asana](#)

Migrate to [Clio](#)

# Is it really possible to manage time?

When people & projects compete for your time:

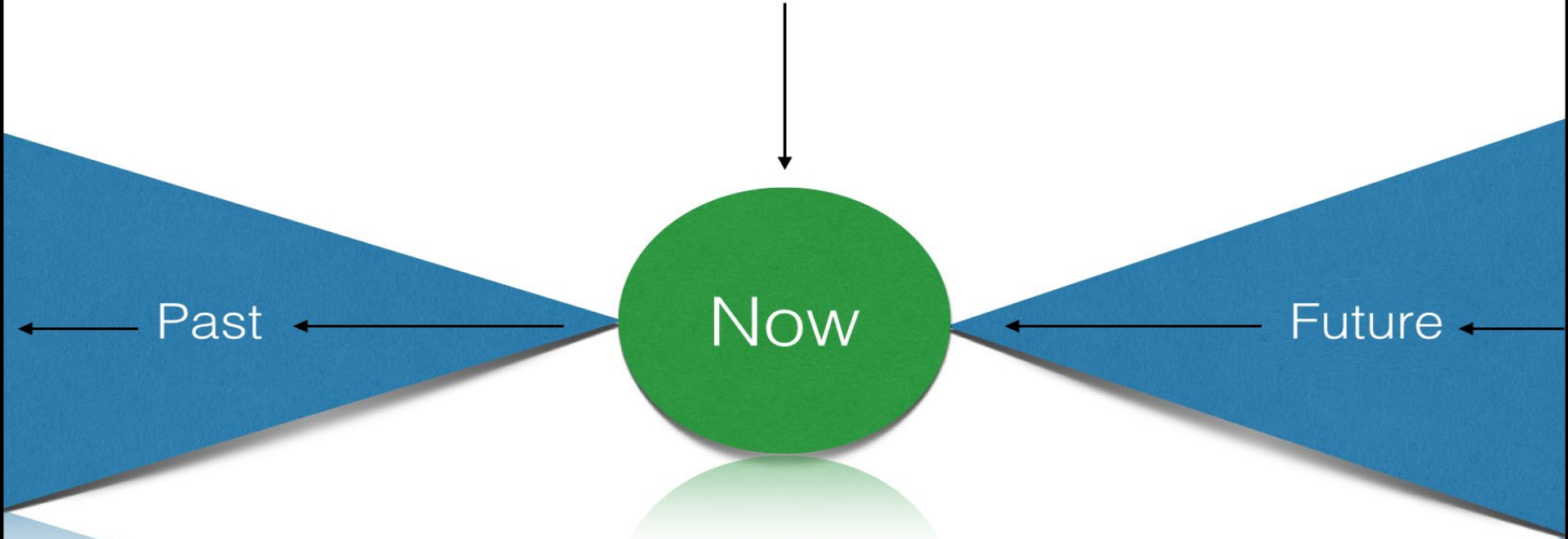
Works in blocks of time with a single goal

Employ self-discipline & focus

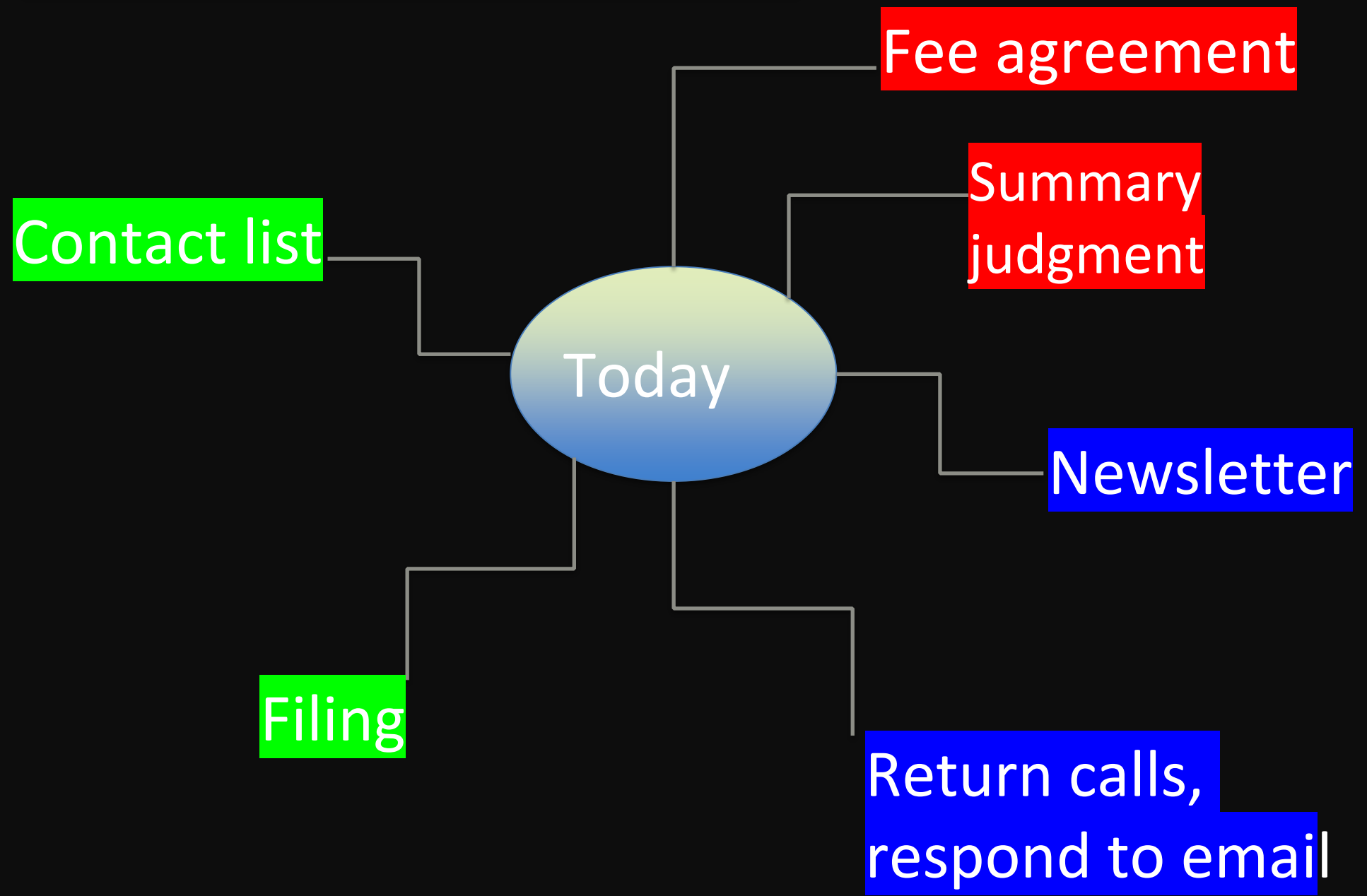
*Avoid chronic reaction syndrome*

*Avoid Distractions of Doom*

The only moment for action or omission



A concept map for the next three hours



# Backup systems for the small firm

Backup your data either to a safe, encrypted external hard drive, and/or

[Backblaze](#) [Carbonite](#) or similar service.

To be really safe, [clone your hard drive](#).

[Glyph are best](#).

[How to Backup Your Computer](#)

Get a backup for yourself; avoid DC App. R. XI, Section 15(a); comply with [R. 1.3, Comment 5](#)

Ask for the *Agreement for Emergency Backup Services*

from [PMAS@DCBar.org](mailto:PMAS@DCBar.org)



# When you need help

The *Of Counsel* arrangement; requires a close & ongoing relationship between the lawyer & firm;

Rule 1.10: the conflicts of the *of counsel* lawyer and of the firm are imputed to each other;

Washington Lawyer, Speaking of Ethics, Of Counsel

# Getting help on a contract basis

[Lawclerk.legal](#)

[Montage Legal Group](#)

[Lawyer Exchange](#)

[CuroLegal](#)

[UpWork](#)

# Where to find virtual staff?

- [upwork.com](https://www.upwork.com) (My personal favorite)
- [freelancer.com](https://www.freelancer.com) (general VAs - all categories)
- [fiverr.com](https://www.fiverr.com) (everything from powerpoint to logos to research and article writing for \$5)
- [atlasvirtualparalegal.com](https://atlasvirtualparalegal.com)
- [99designs.com](https://www.99designs.com) (logo and graphics)
- [guru.com](https://www.guru.com) (great pool of admin and paralegal support)
- [virtualparalegalservices.com](https://www.virtualparalegalservices.com)
- [thevirtualparalegal.com](https://www.thevirtualparalegal.com)
- [starrparalegals.com](https://www.starrparalegals.com) (bankruptcy specialty)
- [flex-counsel.com/](https://www.flex-counsel.com/)
- [equityva.com](https://www.equityva.com)
- Off-line options:
  - local colleges
  - former places of employment/courthouse clerks
  - social media

# Managing client data

Whether you are paper oriented, paperless or a combination, the process starts with:

Rule 1.6 Confidentiality of Information

Know where the data is & that it is secure.

Should it be password protected & encrypted?

Who has access to the data?

# Maintaining client data

Should the client be asked before data is stored in the cloud?

[What is your duty to protect electronic communications?](#)

[Cloud ethics opinions](#)

[Some data should not be exposed to the internet](#)

D.C. has a data breach statute applicable to lawyers: DC Code  
Section 28-3851

[Legal Cloud Computing Association](#)

[USI Affinity offers cyber insurance](#)

[LEO 283 Disposition of Closed Client Files](#)

[LEO 333 What makes up the client's file](#)

# Tech competence

[DCRPC 1.1](#) and [LEO 371](#) suggest that a lawyer be and remain tech competent.

A proposed amendment to D.C. Rule 1.1, Comment [5] is before the DCCA and says:

## **Thoroughness and Preparation**

[5] Competent handling of a particular matter includes inquiry into and analysis of the factual and legal elements of the problem, and use of methods, procedures, and technology meeting the standards of competent practitioners. It also includes adequate preparation and continuing attention to the needs of the representation to assure that there is no neglect of such needs. The required attention and preparation are determined in part by what is at stake; major litigation and complex transactions ordinarily require more elaborate treatment than matters of lesser consequences.

# Practicing internet safety

[How to change unsafe passwords in your Google Account](#)

[How a Burner Identity Can Provide Safety](#)

[A Breach at LastPass has Password Lessons for Us All](#)

# Managing the risk

While the DC Rules do not require malpractice insurance, it is best to be covered

An entity will not protect you

Rule 1.8(g) bars a prospective limitation on a lawyer's liability for malpractice

e-Manual, Malpractice & Insurance

[USI Affinity, DC Bar Member Benefit](#)



# The disciplinary system in DC

This is a consumer oriented disciplinary culture

Small firms are 10% of the DC Bar & generate nearly  
50% of the docketed bar complaints

ODC statistics tell us to manage & communicate to  
avoid bar complaints

# Evaluating your enterprise

Record what you learn as a part of your business plan

Get client feedback on their experience with your firm

Get a free, confidential assessment of your firm's  
operation from the

Practice Management Advisory Service

# Here's what to ask

- What should we keep doing?
- What should we stop doing?
- What did we not do that we should do?

# How do small firms increase revenue?

- By adding clients
- By increasing fees
- By selling more services to current clients
- By adding lawyers to increase bandwidth

What's the solution for too many lawyers & not enough clients  
who can afford them?

**Lead generators? Caveat emptor!**

[www.justanswer.com](http://www.justanswer.com)

[www.rocketlawyer.com](http://www.rocketlawyer.com)

[www.nolo.com](http://www.nolo.com)

[www.legalmatch.com](http://www.legalmatch.com)

**Read the Terms of Service & ask for  
references**

# Resources from the DC Bar

[Free and confidential ethics guidance](#)

[Help with business issues from the Practice Management Advisory Service](#)

[Help with stress, addiction & personal issues from the Lawyer Assistance Program](#)

[Fee dispute resolution with the Attorney Client Arbitration Board](#)

# Upcoming events

Basic Training & Beyond, day-two, October 24, 2023,  
9:15 a.m. - 4:30 p.m.

## Lunch & Learn Series

October 12, 2023 – IDEA and School Advocacy: How to Effectively Advocate for a Child in  
Need of Specialized Instruction and Related Services

November 16, 2023 – Balancing the Lawyer Budget

Noon on Zoom

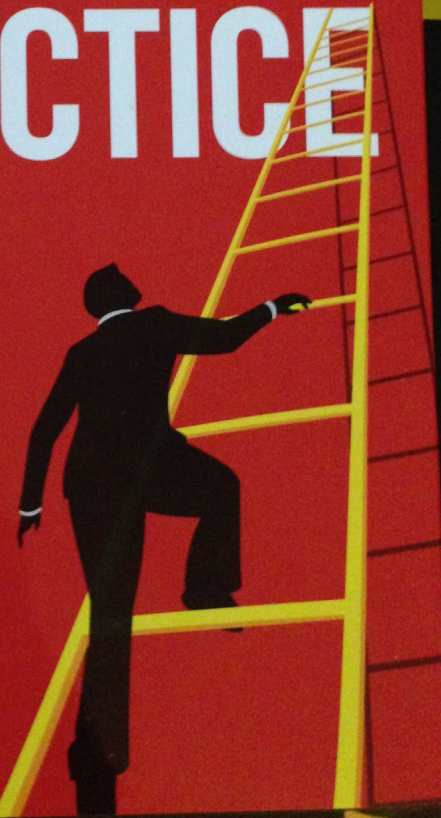
DC Bar Lunch & Learn

Our Newsletter

BRIAN TANNEBAUM

# THE PRACTICE

BRUTAL  
TRUTHS  
ABOUT  
LAWYERS  
AND  
LAWYERING



[The Practice, amazon.com](https://www.amazon.com/dp/0060888888)



# Small Law Misconceptions

- It takes a lot of money
- It's easy and for everyone
- It's for those who can't get a job
- Everyone I know will send me business
- Working two or more practice areas is best
  - It's something to do until I find a job
    - You can't turn anyone away



Practice Management  
Advisory Service

Dan Mills

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202.780.2762

Kaitlin McGee

[kmcgee@dcbar.org](mailto:kmcgee@dcbar.org)

202.780.2764