

Basic Training & Beyond

Wifi: dcbarwifi / 2027374700

January 25, 2020

Is this right for me?

Getting started.

The business of the small firm.

Managing risk.

Afternoon session

Client relations.

Productivity & technology.

Marketing.

1,300,705 US licensed attorneys

172,630 in New York State

165,952 in California

108,080 in the DC Bar

86,494 in Texas

74,258 in Florida

Is small firm law for me?

It's a tough economy

It's a tough profession

Competition is intense

Expect an abundance of
challenge & adventure

The public's perception of lawyers

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? How about -- [RANDOM ORDER]?

	Very high	High	Average	Low	Very low	No opinion
	%	%	%	%	%	%
Nurses	31	54	14	*	1	*
Engineers	17	49	31	2	1	1
Medical doctors	20	45	28	4	2	*
Pharmacists	15	49	28	5	3	*
Dentists	13	48	33	4	2	*
Police officers	17	37	31	9	5	*
College teachers	12	37	34	10	7	1
Psychiatrists	10	33	43	10	2	2
Chiropractors	6	35	47	9	2	1
Clergy	10	30	42	10	5	4
Journalists	5	23	34	20	17	1
Bankers	3	25	52	15	5	*
Labor union leaders	4	20	48	20	7	1
Lawyers	4	18	49	19	9	*
Business executives	2	18	50	22	8	1
State governors	4	16	52	21	6	*
Stockbrokers	2	12	55	22	8	2
Advertising practitioners	2	11	44	30	10	2
Insurance salespeople	2	11	52	26	9	*
Senators	2	11	42	32	13	1
Members of Congress	3	9	33	34	21	1
Car salespeople	1	8	47	30	13	*

Historical view 1976 - 2017

9th most dishonest in
this MoneyWise survey

Lawyers

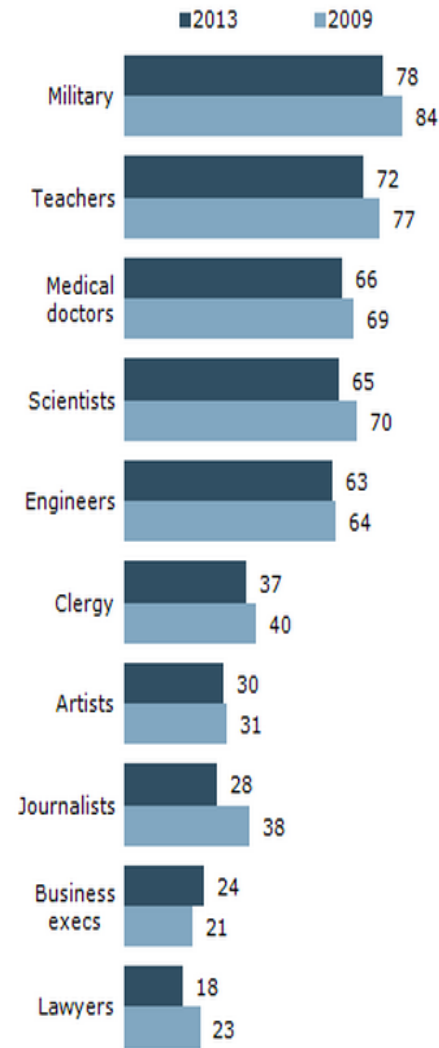
	Very high %	High %	Average %	Low %	Very low %	No opinion %	Very high/High %
2019 Dec 2-15	4	18	49	19	9	*	22
2018 Dec 3-12	3	16	51	21	7	1	19
2017 Dec 4-11	4	14	53	19	9	1	18
2016 Dec 7-11	3	15	45	26	11	1	18
2015 Dec 2-6	4	17	44	25	9	1	21
2014 Dec 8-11	5	16	45	22	12	1	21
2013 Dec 5-8	3	17	45	23	12	1	20
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

A background image showing a man in a suit talking on a white smartphone. He is looking down, and the image is slightly blurred. In the background, there are stacks of books and a decorative wall.

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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SMALL BUSINESS
MONTH

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help your business thrive.

3 ebooks + 20 special offers

[GET THE KIT](#)

Demand for small firm services is 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?



Here is the Ben Glass response to LegalZoom

intranet x Contact Us - US Tax Law x B BenGlassLaw VIP Program x

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=b161ccac36c496df4626bf4b88fa743faaa87b8d7b9b31e3afdad788bf4669a

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A New Kind of Program Designed for Virginia Residents. Learn More about Ben Glass's VIP Program!

BGL VIP New Intro
Become a BenGlassLaw VIP Member (It's FREE!)

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.

Become A VIP Member Today!

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.

Yes, start now!

No, thanks

LIVE CHAT - ONLINE NOW

Hi, we are here to help if you have questions.

9:22 AM 7/24/2018

Characteristics

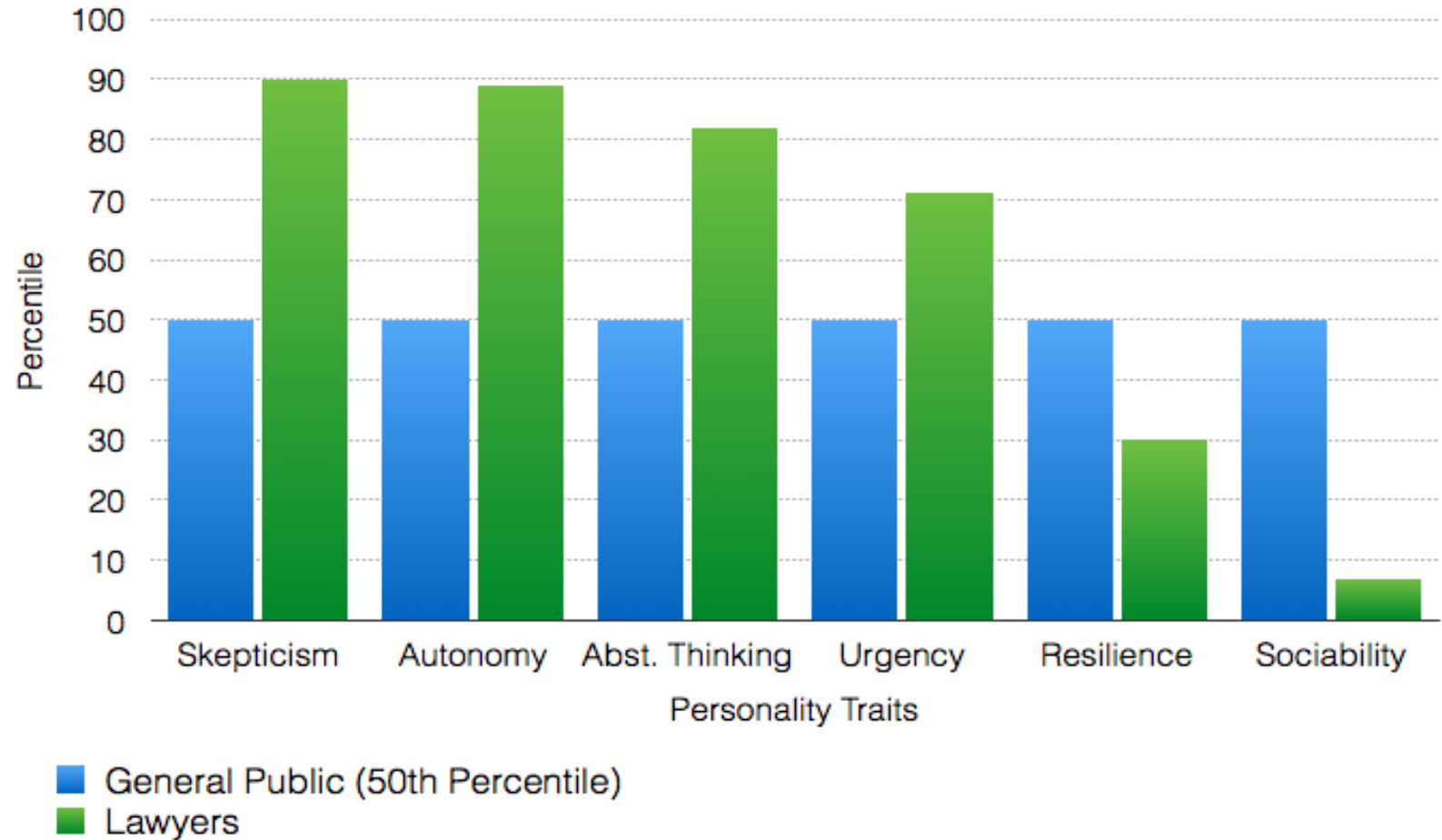
Are you empathetic?

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
understand this truth:*

You cannot impact a
feeling with a fact.

You can only impact a
feeling with another
feeling.

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?

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 Brene Brown on
the
power of vulnerability

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 is the skill set you need to attract and solve the problem of your ideal client?

Is it the same skill set?

Firm name

Rule 7.5 & 7.1

Avoid implying that you are more than you are

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

Test drive the unique name

The entity question

Know why you need an entity

Here are resources on forming a business in DC

Here is information from DCRA

Sole proprietor is an option

See *Choosing the Business Entity* at 29 of the e-
Manual

Sole proprietors, partners & self employed persons
pay estimated taxes

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

See page 31 in the e-Manual

IRS Employee vs Contractor Guidelines

Doing business in DC

Law firms do not need a business license
from DCRA

You may need to file the FR 500 (p. 31, 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, page 35, 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

e-Manual, Avoiding the Unauthorized Practice of Law, page 16

When emails from Colorado became UPL in Minnesota

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

*diagram not to scale

Airbnb for office space

Breather.com

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, page 25

Request the plan template, workbook & spreadsheets:

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

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

are some of the possibilities

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 –
page 41 of the e-Manual

Ask for the 168 hour time management spreadsheet

Time & effort are not necessarily value.

The client values the result.

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

$$\text{Revenue} - \text{Expense} = \text{Profit}$$

Compare to a firm with more margin in the formula

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

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



Garner Law PLLC



60 Minute In-Office Consultation Session

Need advice on a legal issue? This session is designed to help you navigate your legal issue and includes review of your documents.



\$200 USD



1 hour



60 Minute Online Consultation Session

Need advice on a legal issue? This session is designed to help you navigate your legal issue and includes review of documents. Documents must be sent electronically at least 1 hour prior to the session.



\$200 USD



1 hour

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

e-Manual, Chapter 4, page 50, covers other terms

Request sample forms at 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 page 56 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

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:

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

There is no case that sets out the elements

After In Re Mance, Disciplinary Counsel is waiting on
the right set of facts to establish the elements

Waiver of entrustment is high risk conduct

What we think we know about informed consent to waiver of entrustment

Orally & in writing the client agrees that:

1. Advance fees are normally entrusted;
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.

Credit Card Payments

Be certain the payment goes into the right law firm account

LawPay is a new 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

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.

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

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 [Timeslips](#) [Clio](#) [Timesolv](#)

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

Ask for the 168 hour time management spreadsheet at 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

Migrate to [Clio](#)

Backup systems for the small firm

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

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

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

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

Use *Being Prepared*, e-Manual, page 26

Ask for the *Agreement for Emergency Backup Services*
from 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

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?

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, page 31

[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

OBC 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

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](#)

A spiral-bound notebook with a black pen resting on it, featuring the handwritten text "Marketing is everything". The notebook is open, showing lined pages. The pen is black with a silver tip and clip. The background is a wooden surface.

Marketing
is
everything

Applicable Rules:

7.1

7.5

Legal Ethics Opinions

Codes, regulations &
other jurisdictions can
also apply.

Example:

Bergman v District of
Columbia

[DC Court of Appeals 08-CV-859](#)

The first step . . .

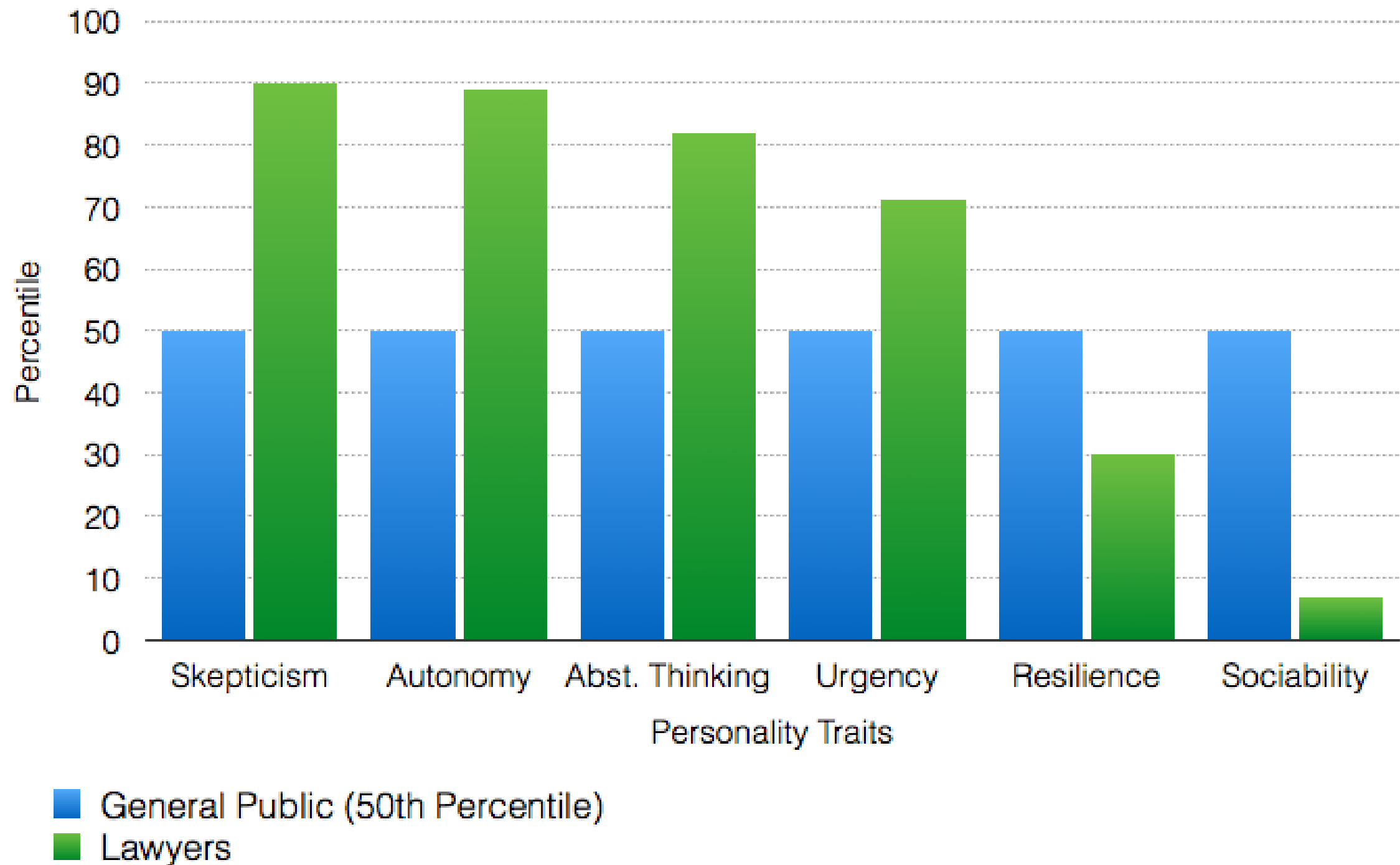
**Start from what is
real & true.**

I act
on the basis
of my
self-image.

Own who you are.

Own where you are.

The 6 Predominant Lawyer Personality Traits



From the research of Larry Richard, Ph.D.

Our choice . . .

-to talk about us

or

-to talk about the
problem we solve

A black dog's head is visible, sticking out from a large, dense pile of grey sheep. The dog has its mouth open, showing its tongue and teeth, and is looking directly at the camera with wide eyes. The sheep are packed closely together, their woolly grey coats filling the background and foreground.

Your perpetual questions:

**How does the client see me?
What is the client's experience with my
firm?**

**Which message is
more effective?**

Juvenile Defense

Experienced former prosecutor
who now focuses on the problems
of juvenile defendants.

Thomas Wight, Esq.
Lawyer

136 Pryor Street SW
Atlanta, GA 30303

www.juvenileddefense.com



This is Serious

No one thinks their child will end up here
For HELP when the unthinkable happens call

Thomas Wight

Attorney at Law

404-502-3967

Imagine your client's
earliest thoughts about
the problem . . .

If you had the chance
to provide information
at that moment . . .

What would you say?

How can you inform and
educate your ideal client
at each stage of their
problem recognition
process?

The information you
would provide is . . .

content for
marketing messages.

Inform . . .

Be careful not to give
legal advice
when marketing.

The Miranda example . . .

You have the right to remain silent.

vs.

Never talk to the police.

The ideal client's **Problem Recognition Process**

- What?
- *I've got a problem . . .*
- *Maybe it will go away . . .*
- *Can I solve it myself . . .*
- *Do I need a lawyer . . .*
- *Who is the right lawyer for me?*

Yellow page ads are aimed at the
last stage of the problem
recognition process:

Who is the right lawyer for me?

Legal Zoom is aimed at the early stages.

Questions you can ask to learn
about your client's

Problem Recognition Process

- ✳️ Why did you come to me?
- ✳️ Tell me about your problem?
- ✳️ What will the solution feel like?
- ✳️ What worries you now?
- ✳️ What have you worried about in the past?
- ✳️ Who else have you told about this problem?

Questions you can ask to learn
about your client's

Problem Recognition Process

- ✳ Is this the first time you have talked to a lawyer?
- ✳ What concerns you about talking to a lawyer?
- ✳ What is the best way for us to communicate?
- ✳ When did you first realize you had this problem? What did you do?

Questions you can ask to learn
about your client's

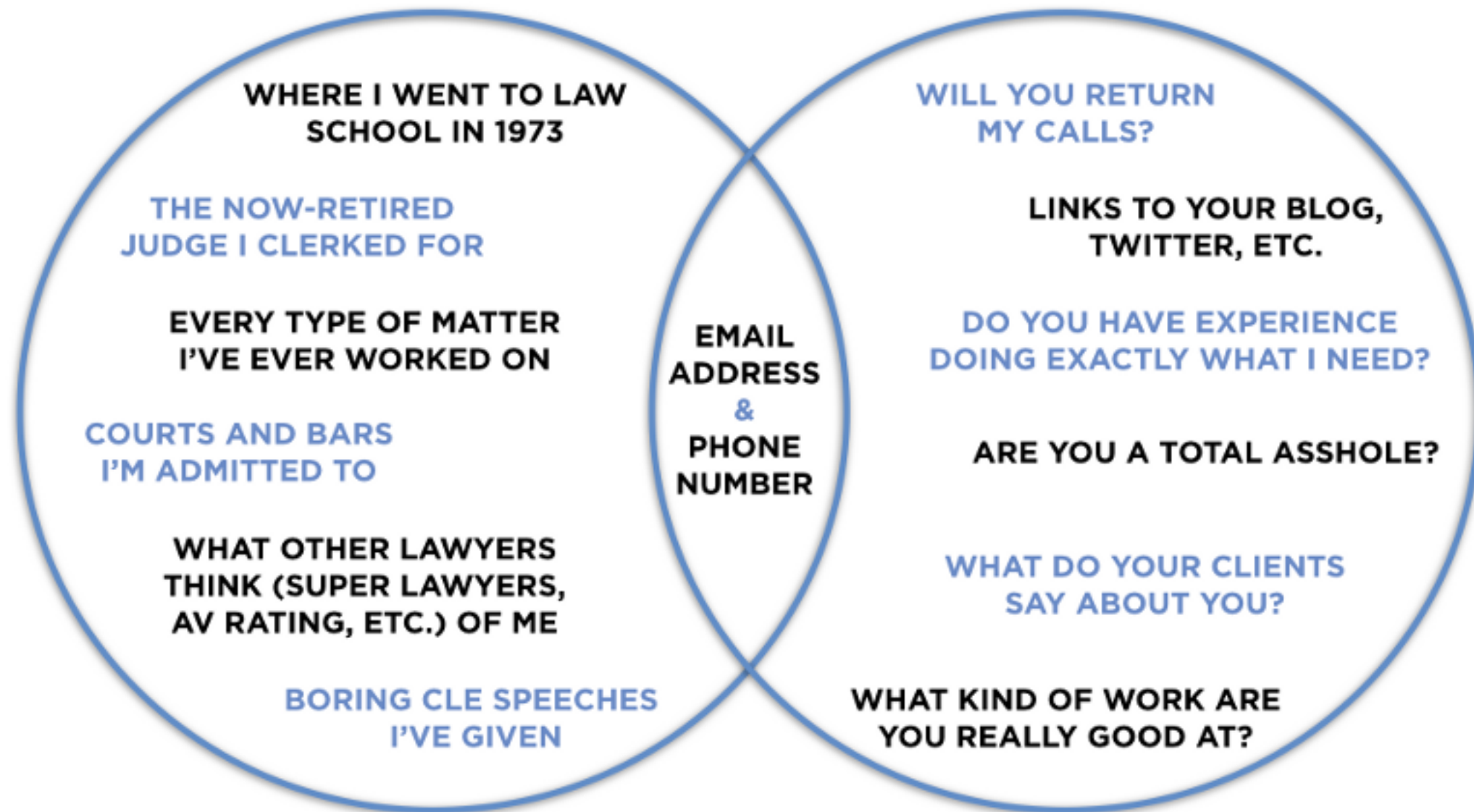
Problem Recognition Process

✳ Tell me what you know about this problem you want me to solve.

✳ Since we have not worked together before, would you like to know how I charge to solve your problem?

THINGS LAWYERS PUT IN THEIR WEBSITE BIOS

THINGS CLIENTS WISH WERE IN LAWYER BIOS



What every prospective client needs to know & feel:

Why do I need a lawyer?

Do you know what you are doing?

What do others think about you?

Are you right for me?

Can I work with you?

Will you care?

Take what you learn and engage

What do *process focused*
websites do?

Some examples of
process focused sites:

www.virginiadivorceattorney.com

www.rosen.com

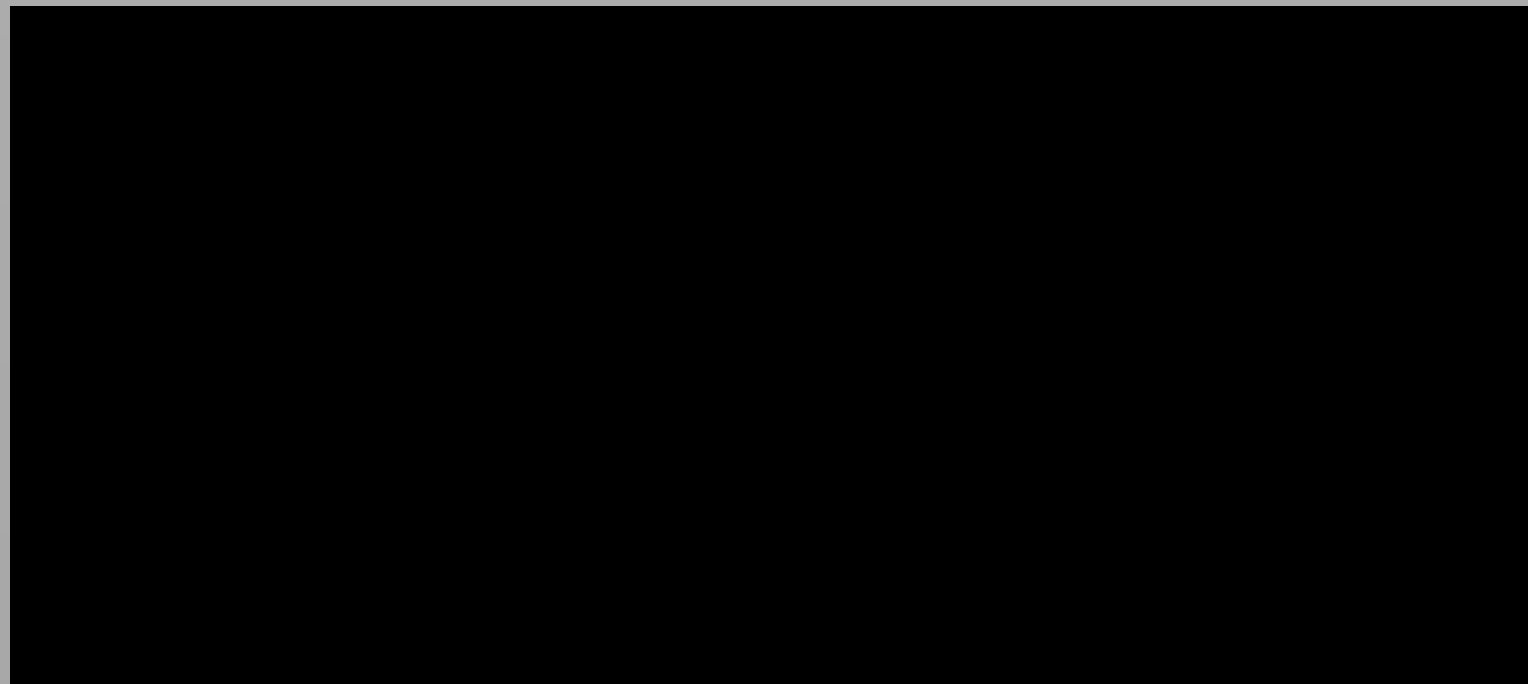
www.jerseyestateplanning.com

www.bobbattlelaw.com

www.oginski-law.com

www.paestateplanners.com

Marketing focused on
"me"



Tax, Business Law, Business Formation and Finance, Computer/High Tech/Biotech Law, Intellectual Property, Trusts, Estates, Wills, Probate, Estate Planning, Real Estate, Civil Litigation, Mediation.

Attorney and accountant, Notary Public. Former IRS attorney and former tax/business transactions attorney for a major corporation (Freddie Mac®). Education: University of Maryland (B.A., 1977); St. John's University School of Law (J.D., 1980); Georgetown University (M.S. Accounting, 1981); New York University School of Law (LL.M., 1987). Practice serves individuals, business, trusts, estates, partnerships, nonprofit organizations, etc. in regional, national, and international legal matters. Licensed to practice law in Maryland, District of Columbia, Virginia, and New York. Admitted to U.S. District Court-District of Maryland, U.S. District Court-Northern District of New York, U.S. Tax Court, U.S. Court of Appeals-Fourth Circuit, and U.S. Supreme Court-Bar.

Computer law, high tech law, biotech law, software/product development agreements, consulting services agreements, software/product licensing agreements, software/product maintenance agreements, domestic and international software/product distribution agreements, e-commerce and web development agreements, joint ventures, teaming agreements, subcontracts, confidentiality agreements, litigation, etc.

Intellectual property (trademarks, service marks, and copyrights), applications, protection issues, infringement issues, domain name and web content protection, online brand protection issues and resolution strategies, domain name recovery and acquisition processes, unfair competition, trade secrets, trade dress claims, litigation, etc. Identifying and inventorying intellectual property assets, buying and selling intellectual property assets, etc.

Trusts, estates, wills, probate, estate planning and administration, general and special powers of attorney, health care power of attorney and advance medical directives/living wills, revocable living trusts, insurance trusts, charitable trusts, special needs

And perhaps the finest example of “it’s all about me”
lawyer marketing . . .



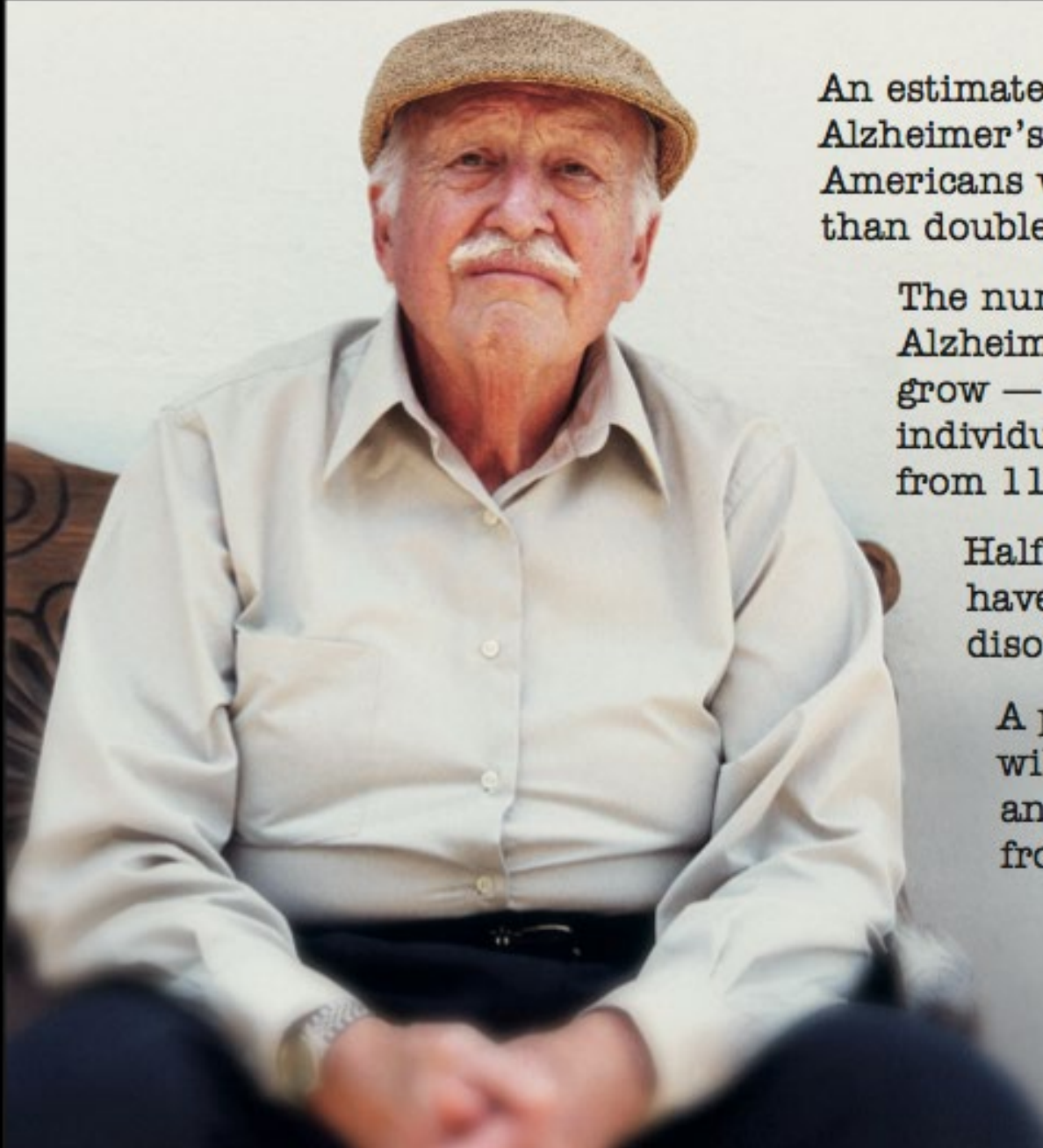
**Silver Tongued Litigators.
Prosecutors and Other Reptiles
BEWARE!!!**

You are an estate planner
or elder lawyer . . .

and you know your ideal client
has a process . . .

How do you talk to them
while they are working their way
through their process?

"Dad Couldn't Remember How To Get Home."



An estimated 4.5 million Americans have Alzheimer's disease. The number of Americans with Alzheimer's has more than doubled since 1980.

The number of Americans with Alzheimer's disease will continue to grow — by 2050 the number of individuals with Alzheimer's could range from 11.3 million to 16 million.

Half of all nursing home residents have Alzheimer's disease or a related disorder.

A person with Alzheimer's disease will live an average of eight years and as many as 20 years or more from the onset of symptoms. .

The average cost for nursing home care is \$42,000 per year but can exceed \$70,000.

(Source for all statistics: Alzheimer's Association, www.alz.org)

The answers to the legal and financial challenges posed by Alzheimer's disease can only be answered on an individual basis by an attorney whose practice is concentrated on elder law, Medicaid planning, and estate planning.

The Elder Law Firm of Marshall & Associates is known throughout Pennsylvania for the expert help they provide seniors who are faced with long-term care needs.

Take The First Step

Call today to reserve a place at one of our free seminars for seniors, their families, elder care professionals, and caregivers. Each presentation lasts about 90 minutes, including a "Question & Answer" session.

Elder Law Firm of **Marshall & Associates**

Jersey Shore Office

303 Allegheny Street, Jersey Shore, PA 17740-1405
(570) 398-7603 (800) 401-4552

Williamsport Office

49 E. Fourth Street, Suite 200, Williamsport, PA 17701-6355
(570) 321-9008

Wilkes-Barre Office

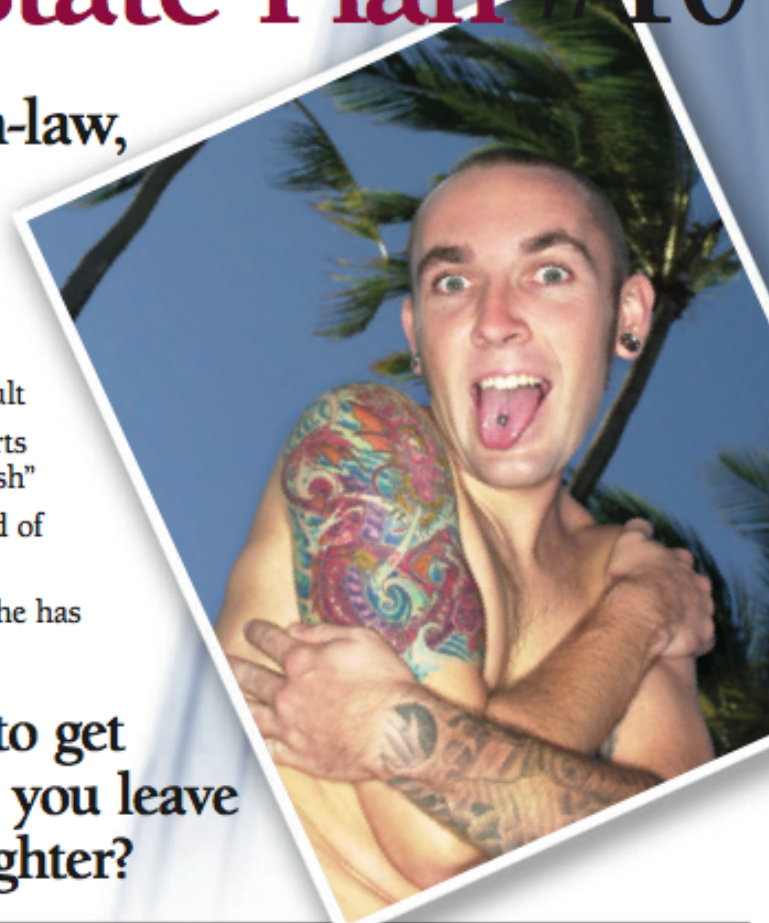
Cross Creek Pointe, Suite 402, 1065 Hwy. 315, Wilkes-Barre, PA 18702
(570) 822-6919

Reason To Make An Estate Plan #10

Your son-in-law, Fred

- Hasn't had a job since 1999
- Belongs to a religion that you consider a cult
- Sells t-shirts at concerts by a band called "Phish"
- You suspect he is fond of chemical substances
- Thinks it's great that he has rich in-laws

Is he going to get
half of what you leave
to your daughter?



Do not miss this FREE seminar!
Two days only. Seating is limited.

Wednesday, February 15, 2006
10:00am-11:30am

The Lodge at Rancho Mirage
68-900 Frank Sinatra Drive
Rancho Mirage

Thursday, February 16, 2006
6:30pm-8:00pm

The Lodge at Rancho Mirage
68-900 Frank Sinatra Drive
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Refreshments Served

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INDIAN WELLS, CA 92210
PHONE 760-776-9977
FAX 760-406-5053
WWW.LEELAWYERS.COM

Reason #11 Why Every Parent **Needs** An Estate Plan

Your daughter, Isabella

- Waved to you from the stage throughout her first appearance in the Nutcracker this past year.
- Wants to be a veterinarian when she grows up (either that or Cinderella).
- Loves to hike (in her tutu).
- Still falls asleep in your lap.

How important is *her* future?



FREE Estate Planning Educational Event

Wednesday, October 12, 2011
6:00pm

OR

Saturday, October 15, 2011
3:00pm

Mill Valley Community Center • Forest Room • 180 Camino Alto • Mill Valley

Seating is limited. Register today at www.TheaLaw.com

or call: **415-451-0123**

*We strongly recommend both parents attend. **FREE CHILDCARE FOR EVENT!**



Thea Beatle Elliot
Attorney at Law and
local mom



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Protect what you love.

700 Larkspur Landing Cir. • Suite 249
Larkspur, CA 94939
Tel (415) 451-0123 • Fax (415) 451-7644
www.TheaLaw.com

Reason #5 To Name **Guardians** For Your Kids

Your mother-in-law, Barbara

- Offers you lots of free parenting advice
- Thinks the answer to all baby problems is “more solid foods”
- Most important values are family and carpeting
- Believes in “spare the rod, spoil the child”
- Would do a much better job than you if given the chance.



Are you sure the court won't assign guardianship of your children to *her*?

Call Today For Your **Free Parent's Protection Planning Guide**: (415)451-0123 or visit www.TheaLaw.com



700 Larkspur Landing Cir.
Suite 199
Larkspur, CA 94939
Tel: (415) 451-0123
Fax (415) 451-7644
www.TheaLaw.com

Reason #6 To Get A Divorce

Your husband, Alex

- Helps with the dishes, then acts like he should get a medal
- Sheds so much hair, your bathroom floor looks like it has a rug on it
- For Christmas, gave you a dual-bag vacuum cleaner
- Main occupation in life is watching endless hours of sports on TV
- Refers to your favorite sushi restaurant as "the bait shop"
- While out to dinner with you and another couple, likes to hit on the waitresses
- Or your best friend



Are You Sure You Want To Stay Married?

**Call Today For A Complimentary and Confidential
Divorce Consultation: 626.683.8869**

RUSSAKOW | RYAN | JOHNSON

LAW

RRJ

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225 South Lake Avenue, 10th Floor

Pasadena, CA 91101

626.683.8869 tel

626.683.8870 fax

Ontario Office

3633 Inland Empire Blvd., Ste. 777

Ontario, CA 91764

909.466.1661 tel

909.466.1662 fax

Orange County Office

2603 Main Street, Ste. 1050

Irvine, CA 92614

949.833.8838 tel

949.833.8808 fax

SmartMarketing

Lots of free information here

Elements of a good,
long term
marketing system

Prepare information
about
the five to ten
questions
you get from every
new client.

Prepare a 15 to 30 minute
talk to a room full of
your potential ideal
clients informing &
educating them about the
problems you solve.

Give this talk to groups
& organizations.

Break the talk into one
to three minute videos.

Create a database of
contacts

in Outlook,

in a spreadsheet,

or in any other

functional system.

Who goes into your
contacts list?

Friends, family, clients,
former clients, potential
clients, professionals &
anyone who can refer
someone with a problem.

Sophisticated contact management
software review:

[http://contact-management-software-
review.toptenreviews.com/](http://contact-management-software-review.toptenreviews.com/)

www.salesforce.com

A basic contact
management system . . .

Contact ID	Contact Name	Contact Name2	Contact Title	Billing Address	City	State or Provi	Postal Code	Coun
1	Contact 1	Contact 1	Title 1	Address 1	City	New York	12345	Unit
2	Contact 2	Contact 2	Title 2	Address 2	New York	New York	12345	
3	Contact 3	Contact 3	Title 3	Address 3	City	Washington	12345	
4	Contact 3	Contact 4	Title 4	Address 4	City	Washington	12345	
5	Contact 4	Contact 5	Title 5	Address 5	New York	New York	12345	Unit
6	Contact 5	Contact 6	Title 6	Address 6	New York	New York	12345	Unit
7	Contact 6	Contact 7	Title 7	Address 7	City	Washington	12345	Unit
8	Contact 7	Contact 8	Title 8	Address 8	Seattle	Washington	12345	Unit
9	Contact 8	Contact 9	Title 9	Address 9	New York	New York	12345	Unit
10	Contact 8	Contact 10	Title 10	Address 10	New York	New York	12345	Unit
11	Contact 8	Contact 11	Title 11	Address 11	New York	New York	12345	Unit
12	Contact 9	Contact 12	Title 12	Address 12	Seattle	Washington	12345	Unit
13	Contact 10	Contact 13	Title 13	Address 13	Seattle	Washington	12345	Unit
14	Contact 11	Contact 14	Title 14	Address 14	New York	New York	12345	Unit
15	Contact 12	Contact 15	Title 15	Address 15	London		12345	Unit
16	Contact 13	Contact 16	Title 16	Address 16	London		12345	Unit
17	Contact 14	Contact 17	Title 17	Address 17	London		12345	Unit
18	Contact 14	Contact 18	Title 18	Address 18	London		12345	Unit
19	Contact 14	Contact 19	Title 19	Address 19	London		12345	Unit
20	Contact 15	Contact 20	Title 20	Address 20	London		12345	Unit
21	Contact 16	Contact 21	Title 21	Address 21	Tokyo		12345	Japa
22	Contact 17	Contact 22	Title 22	Address 22	Tokyo		12345	Japa
23	Contact 18	Contact 23	Title 23	Address 23	Tokyo		12345	Japa
24	Contact 18	Contact 24	Title 24	Address 24	Tokyo		12345	Japa
25	Contact 19	Contact 25	Title 25	Address 25	Tokyo		12345	Japa
26	Contact 20	Contact 26	Title 26	Address 26	Tokyo		12345	Japa
27	Contact 21	Contact 27	Title 27	Address 27	Tokyo		12345	Japa
28	Contact 22	Contact 28	Title 28	Address 28	Tokyo		12345	Japa
29	Contact 23	Contact 29	Title 29	Address 29	Paris		12345	Franc
30	Contact 24	Contact 30	Title 30	Address 30	Paris		12345	Franc
31	Contact 24	Contact 31	Title 31	Address 31	Paris		12345	Franc
32	Contact 24	Contact 32	Title 32	Address 32	Paris		12345	Franc
33	Contact 25	Contact 33	Title 33	Address 33	Paris		12345	Franc
34	Contact 26	Contact 34	Title 34	Address 34	Paris		12345	Franc
35	Contact 26	Contact 35	Title 35	Address 35	Paris		12345	Franc
36	Contact 27	Contact 36	Title 36	Address 36	Paris		12345	Franc

If you need fewer rows than provided in the sample data, just select the rows you don't need and then, on the Tables tab of the Ribbon, click Delete and then click Table Rows. Or, right-click, point to Delete and then click Table Rows.

Click the arrow in the heading cell in the table for sort and filter.

Contacts are referral
sources & potential
clients so long as you
engage with them.

How many opportunities
exist for you to be
found?

How many venues can you
create for your
marketing message?

You & your presence

Your office

Business card

Website (video)

Newsletter

Blog

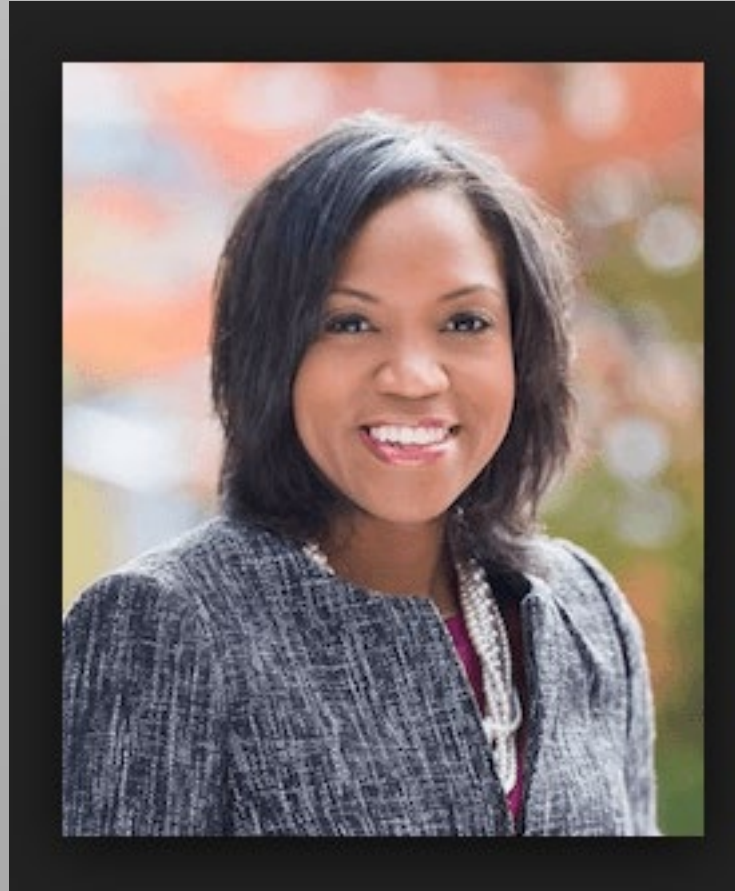
Brochure

Social media

Community engagement

Speaking engagements,
books & free publications
are useful tools

A professional photo is essential



Michelle C. Thomas & Associates, PC

Photo by Eli Turner

Create a great logo



<http://99designs.com/logo-design>

Sources for unique & traditional cards:

[Moo.com](https://www.moo.com)

[DesignYourOwnCard.com](https://www.designyourowncard.com)

[Crane.com](https://www.cranepaper.com)

[VistaPrint.com](https://www.vistaprint.com)

What Every Virginia Woman Should Know About Divorce

Before You Go – 7 Steps
Before Moving Out of the
Marital Residence

6 Major Mistakes to Avoid When Selecting An Estate Planning Attorney

Focus on the problem you solve & the questions in the mind of the prospective client

Why the newsletter works

Targeted to your audience

Regularity

Long-term tool

Becomes a part of your process

More cost effective

Few do it well

Hardcopy is better than electronic

The concept applies in
any practice area . . .

Employer Alerts by
Charles H. Fleischer

Relate to Marketing
like it is
your best client.

How would you treat your
best client?

You would have a plan

You would strategize

You would open a file

You would work on it every day

You would evaluate it often

You can do the work yourself:

[Rollins & Chan](#)

[Wufoo form builder](#)

[Square Space](#)

[How to create a Facebook business page](#)

Or you can use a service:

[Mockingbird Marketing](#)

[Foster Web Marketing](#)

[Great Legal Marketing](#)

[SmartMarketingNow.com](#)

[UpwardAction.com](#)

Marketing resources

The Culture Code by Clotaire Rapaille

Influence, the Psychology of Persuasion
by Robert B. Cialdini

Contagious, Why Things Catch On by Jonah Berger

You Can't Teach Hungry by John Morgan

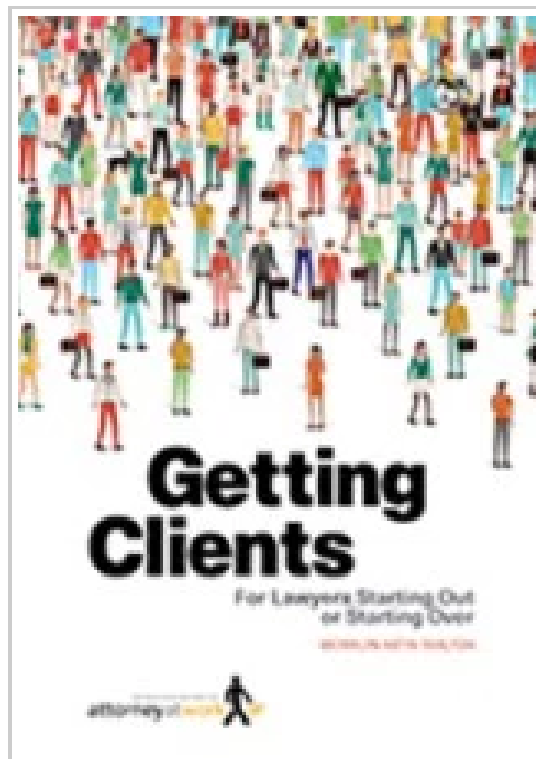
Great Legal Marketing & Renegade Lawyer Marketing
by Ben Glass

*Primal branding: Create Zealots for Your Brand, Your Company,
and Your Future* by Patrick Hanlon

Getting Clients

Getting Clients: For Lawyers Starting Out or Starting Over

BY MERRILYN ASTIN TARLTON



Save when you pre-order by
October 31 - Just enter the code
"GettingClients10" at checkout for
10% off the normal price.

Price: \$40.00

BUY NOW

The most difficult challenge you face as a lawyer is figuring out how to get clients. Particularly if you're a young lawyer. It can feel like there is a secret no one is telling when other lawyers have lots of clients with what looks like a minimum of work.

Merrilyn Astin Tarlton has been coaching lawyers to unlock those secrets for over 30 years. In her new book "**Getting Clients**," she brings extensive knowledge and a warm sense of humor to walk you through what you need to be doing — and when you need to be doing it — to become the lawyer you have always wanted to be, doing the type of work you have always wanted to do.

Truths

All marketing works. Some work
better than others

Marketing is long term trust
building.

Bad phones kill good marketing.

More truths

You cannot impact a
feeling with a fact.

You can only impact
a feeling with a
feeling.

What is your mindset?

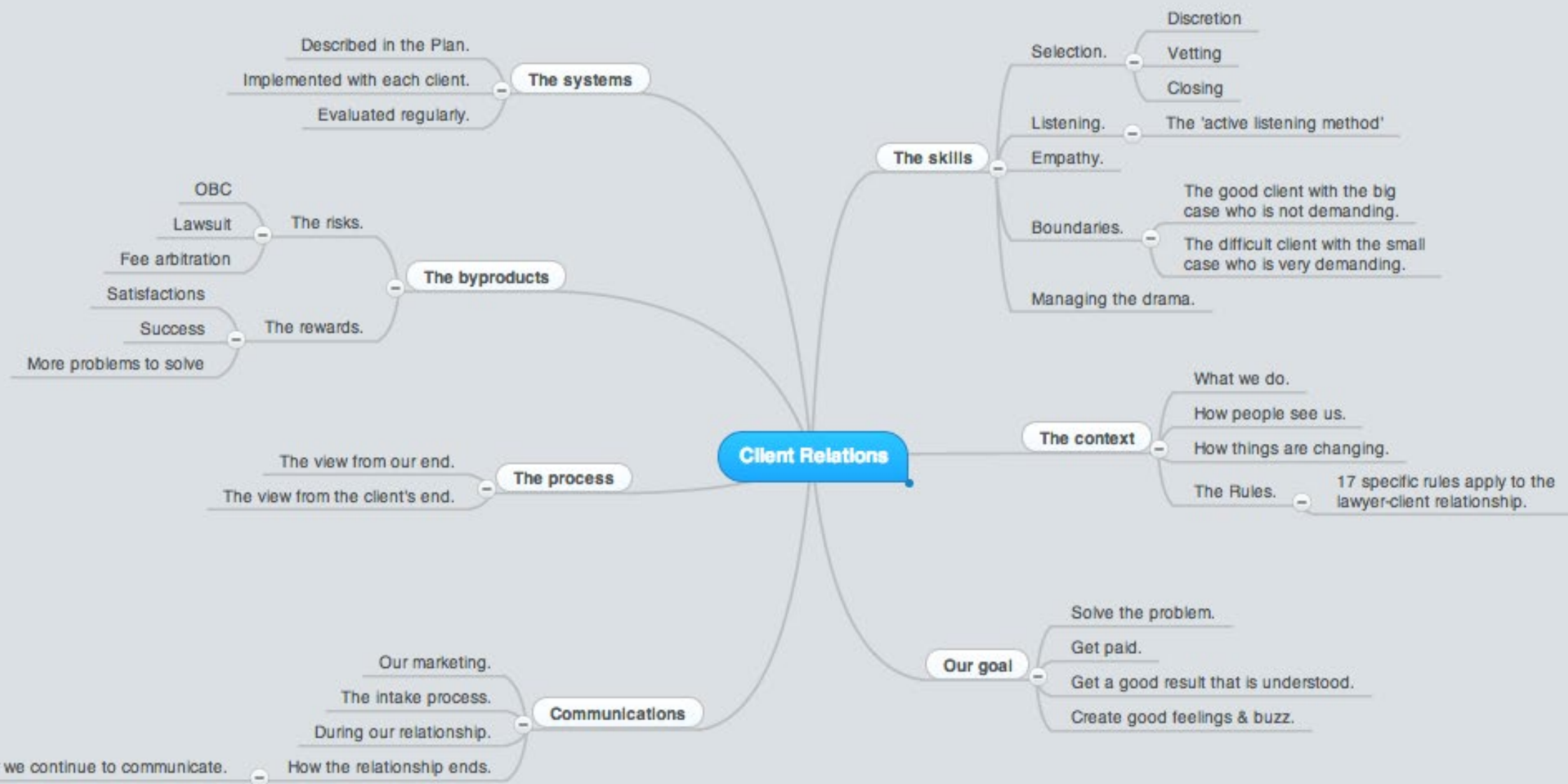
I have to market.

or

I get to market.

Client Relations

Basic Training &
Beyond



The context

“Lawyer”

“Legal profession”

trigger negative

responses

Until we are
needed to solve
a problem

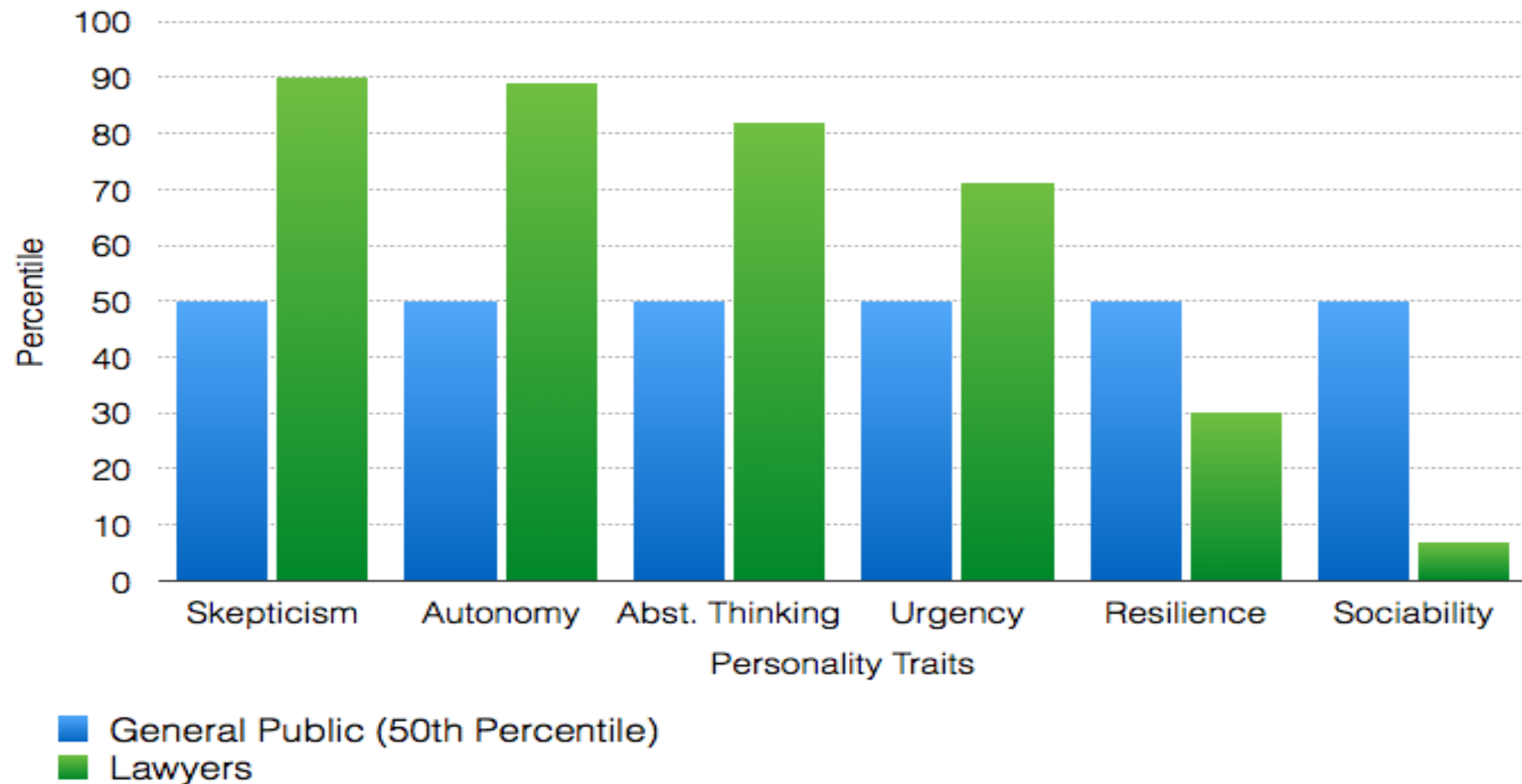
Within the
profession there
is turmoil

Lawyers struggle
with substance
abuse at nearly
twice the rate
of the general
population.

Lawyers lead the
nation with the
highest
incidence of
depression among
100 occupations.

And we solve
other peoples'
problems . . .

The 6 Predominant Lawyer Personality Traits



From the research of Larry Richard, Ph.D.

[Dr. Larry Richard / LawyerBrain.com](http://Dr.LarryRichard.com)

Often, the
problem we solve
is a piece of a
bigger problem
for the client

We work within a
challenging
context &
profession

The goal

Solve our client's problem

Get paid

Get a knowably good result

Create good will

Stay healthy

The skills

Problem solving

Selection

Listening

Empathy

Boundaries

Management

To have good
client relation,
select only your
ideal client

Vet the prospective client

Vet: to make a careful,
critical examination; to
assess, evaluate, screen

Research data bases
& social media

Use Experian's

service for lawyers

Charge an
advance fee

Charge for the
initial consultation

Charging for the initial consultation



Garner Law PLLC



60 Minute In-Office Consultation Session

Need advice on a legal issue? This session is designed to help you navigate your legal issue and includes review of your documents.



\$200 USD



1 hour



60 Minute Online Consultation Session

Need advice on a legal issue? This session is designed to help you navigate your legal issue and includes review of documents. Documents must be sent electronically at least 1 hour prior to the session.



\$200 USD



1 hour

Garner Law

**Start work in the
client's presence**

The client should “see”
you solving their
problem

Create a system for
informing & educating the
client throughout the
matter

Survey the client both during
and at the end of the representation.

What was the client's experience?

SurveyMonkey

Ask the client

What should we keep doing?

What should we stop doing?

**What did we not do,
that we should have done?**

What does your client really want?

Gerber's six categories

(Chapter 15, page 104)

1. Tactile - direct communicator
2. Neutral - indirect (computer)
3. Withdrawal - ideas
4. Experimental - innovator
5. Transitional - dependable
6. Traditional - good deal

Staff

How to determine the need

Determining the cost

Formula for determining true cost

Keep payroll well below 50% of revenue

Hiring resources

[Mechanics of hiring](#)

[eGuide to hiring](#)

[Payroll options](#)

How to hire & manage employees

SBA Guide

LawHelp/DC employment issues

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
- [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/)
- [equivityva.com](https://www.equivityva.com)
- Off-line options:
 - local colleges
 - former places of employment/courthouse clerks
 - social media

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

THE BODY KEEPS THE SCORE

BRAIN, MIND, AND BODY
IN THE HEALING OF TRAUMA



BESSEL VAN DER KOLK, M.D.

Perfect intake

Create a system

What is your intent?

Focus on prospective client experience

**Never leave the prospective client hanging or
confused**

Time is of the essence

The goal is a vetted client

Basic Training & Beyond

Saturday, January 25, 2020

District of Columbia Bar

Productivity, technology & the
essentials

To clear your head, to get focused, ask yourself:

Why am I here?

What's going on around me?

What am I going to do about it?

How will my actions affect others?

Your competition may be
smarter
richer
and better looking,

but they have the same
amount of time
as you.

Every day

Set your most important task

Do creative work first

Do reactive work second

Schedule time
for the most important task

Design your ideal week
in blocks of time
on your calendar

Keep a journal

Self-evaluate

It does not have to be perfect

The paperless system. . .

- One or more computers & a Fujitsu Scansnap
- RocketMatter, MyCase, Clio, NetDocuments or LegalWorkspace
- [Going Paperless-A Practical Guide](#)
- [ScanSnap demo](#)

FUJITSU Document Scanner ScanSnap



ScanSnap scanners take the complication out of document imaging with one-button ease of use. Perfect for home and small business environments, the ScanSnap family of scanners bring duplex multi-sheet scanning to everyone, combining performance and affordability in a compact size.

ScanSnap iX500

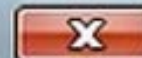


ScanSnap iX100



[ScanSnap products](#)

ScanSnap



Favorites

Show All Applications



ScanSnap
Organizer



Scan to
CardMinder



Scan to Folder



Scan to E-mail



Scan to Print



Scan to Mobile



Scan to
Dropbox



Scan to
Evernote (Doc...



Scan to
Evernote (Note)



Scan to Google
Docs(TM)



Scan to
Salesforce C...



Scan to
SugarSync



ABBYY Scan to
Word



ABBYY Scan to
Excel(R)



ABBYY Scan to
PowerPoint(R)



Scan to
SharePoint



Scan to Picture
Folder

Detail





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[IT'S AWESOME...](#)



iPhone App for Lawyers

Our new app is designed to be the perfect mobile partner to our web-based product. It captures our core functionality and makes the work lives of our attorneys a whole lot easier!

[SEE THE APP...](#)



Check Out Our Awesome Video

Learn about our online legal software and how it can help your law firm with practice management and time and billing. Secure, fast, and easy!

[TESTIMONIALS...](#)

RocketMatter integrations

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LEARN MORE »



Case Studies
VIEW MORE »

What we do

Who is NetDocuments for?

Clio integrations

[Virtual Law Office Overview](#)
How Your Virtual Law Office Works

[Hosted Legal Applications](#)
Customize Your Legal Environment

[Set up Process](#)
Moving Your Firm to the Cloud



Get Started Now!

[Find out more](#)

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Our world has become more and more mobile and the need to stay connected, no matter where you are, is greater today than ever before. And in no business is that more important than the legal profession. Which is why we created Legal Workspace.

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Build a system . . .

Automate Word documents

Free version / Pro version \$89.00

[The Form Tool](#)

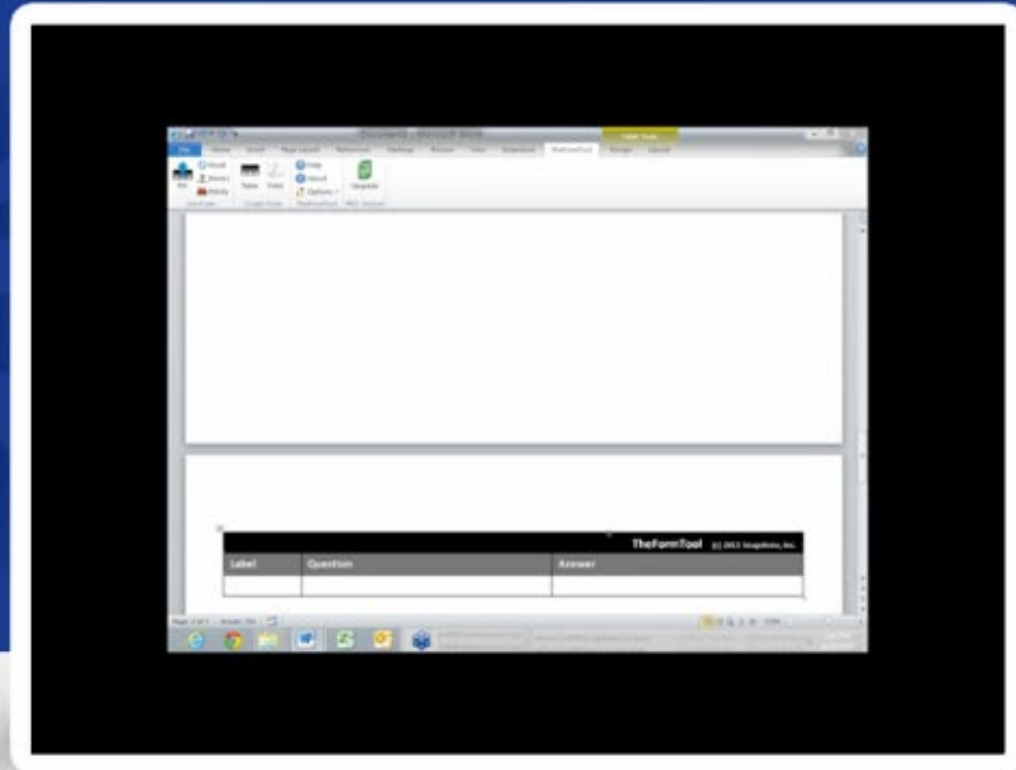
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With a learning curve measured in minutes not months™, it uses your own MS Word documents to create intelligent forms for repetitive use. Many professionals spend as much as 30% of their productive time creating repetitive documents, personalizing them for each client, matter, patient, case or account.



You're invited!

Drop in on

"The Learning Curve"



Wednesdays

Free & low cost research . . .

- Fastcase: [Nationwide law library for free](#)
- Local research sources: request from PMAS@dcbar.org
- Google Scholar / <http://scholar.google.com>

Web-Based Time & Billing Software For Lawyers

Why Time59?

Simplicity. Essential features. Outstanding value.

Free 30 Day Trial

Take The Tour



How much does Time59 cost?

Time59 is priced at \$99.95 / YEAR for unlimited data. Your first 30 days are FREE. Time59 also has an optional mobile web app called [My Time59](#). Each Time59 subscription includes one FREE My Time59 user. Additional users are priced at \$9.95 per user, per month.

How do I get started?

To get started go to the [sign up form](#) where you will create your user name and password. When you sign in to your account for the first time you will be instructed on how to proceed. Time59 has plenty of online help to guide you. There's also free, friendly support via phone or e-mail.

Here's what Time59 users are saying...

"I absolutely love Time59! It's the best application (web-based or otherwise) that I've ever used and I really mean that. It has pretty much everything I need and nothing I don't need. I hate overloaded software with a million features I will never use getting in the way."

Reed W. Super, Esq.

"Time59 allows me to easily track time and expenses for all my clients. The system is easy to use and has great features. I highly recommend it for solo lawyers."

*Pamela S. Wynn MSW, JD
Boynton Beach, FL*

"As a previous user of Timeslips for many years, I can easily toss it out the window for Time59, which is user-friendly, accurate, and easy to access from the internet. I don't have to install software on multiple computers, updates are automatic, and invoices are easy to create and send. I love working with Time59!"

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