

50 SHADES OF GREEN:

Building a Profitable Solo or Small Firm Practice

Presented by the Oregon State Bar Sole &
Small Firm Practitioners Section

October 30, 2015

Oregon State Bar Center
Tigard, Oregon

MCLE FORM 1: Recordkeeping Form (Do Not Return This Form to the Bar)

Instructions:

Pursuant to MCLE Rule 7.2, every active member shall maintain records of participation in **accredited** CLE activities. You may wish to use this form to record your CLE activities, attaching it to a copy of the program brochure or other information regarding the CLE activity.

Do not return this form to the Oregon State Bar. This is to be retained in your own MCLE file.

Name:		Bar Number:	
Sponsor of CLE Activity:			
Title of CLE Activity:		Program Number:	
Date:	Location:		
<input type="checkbox"/> <i>Activity has been accredited by the Oregon State Bar for the following credit:</i> <div style="text-align: center;"> <input type="checkbox"/> General <input type="checkbox"/> Prof Resp-Ethics <input type="checkbox"/> Access to Justice <input type="checkbox"/> Child Abuse Rep. <input type="checkbox"/> Elder Abuse Rep. <input type="checkbox"/> Practical Skills <input type="checkbox"/> Pers. Management Assistance </div>	<input type="checkbox"/> Full Credit. <i>I attended the entire program and the total of authorized credits are:</i> <div style="text-align: center;"> <input type="checkbox"/> General <input type="checkbox"/> Prof Resp-Ethics <input type="checkbox"/> Access to Justice <input type="checkbox"/> Child Abuse Rep. <input type="checkbox"/> Elder Abuse Rep. <input type="checkbox"/> Practical Skills <input type="checkbox"/> Pers. Management Assistance </div>	<input type="checkbox"/> Partial Credit. <i>I attended _____ hours of the program and am entitled to the following credits*:</i> <div style="text-align: center;"> <input type="checkbox"/> General <input type="checkbox"/> Prof Resp-Ethics <input type="checkbox"/> Access to Justice <input type="checkbox"/> Child Abuse Rep. <input type="checkbox"/> Elder Abuse Rep. <input type="checkbox"/> Practical Skills <input type="checkbox"/> Pers. Management Assistance </div>	

***Credit Calculation:**

One (1) MCLE credit may be claimed for each sixty (60) minutes of actual participation. Do not include registration, introductions, business meetings and programs less than 30 minutes. MCLE credits may not be claimed for any activity that has not been accredited by the MCLE Administrator. If the program has not been accredited by the MCLE Administrator, you must submit a Group CLE Activity Accreditation application (See MCLE Form 2.)

Caveat:

If the actual program length is less than the credit hours approved, Bar members are responsible for making the appropriate adjustments in their compliance reports. Adjustments must also be made for late arrival, early departure or other periods of absence or non-participation.

50 SHADES OF GREEN:

Building a Profitable Solo or Small Firm Practice

8:00 to 8:25 **REGISTRATION**

8:25 to 8:30: **WELCOME**

8:30 to 8:45: **MEETING THE CHALLENGES OF A CHANGING LEGAL WORLD: Bill Gibson**

- How LegalZoom and other online providers are disrupting the market
- What we can do about it

8:45 to 9:30: **MARKETING AND BUSINESS DEVELOPMENT IDEAS YOU CAN USE EVERY DAY: Steve Horenstein**

- Get the most from your website and from social media
- The theory of “Being There”
- How to build upon existing contacts

9:30 to 9:40: **BREAK**

9:40 to 10:40: **BUSINESS PLANNING 101 FOR THE SOLO AND SMALL FIRM: Scott Schnuck**

- Why you need a business plan and how to approach business planning
- Identifying your product, your market, your costs, and your price
- Looking at your business to maximize profit and satisfaction

10:40 to 10:50: **BREAK**

10:50 to 12:05: **THE NEW EQUATION FOR LAWYER HAPPINESS:**

Mobile + Paperless + Virtual = Green: Jennifer Willner

- Become happier, more profitable, and more environmentally friendly
- Getting started is easier than you think
- Tips on hardware, software, and apps
- Managing and indexing email and other documents for sharing and storage

12:05 to 1:05 **LUNCH, WITH ANNUAL MEETING FROM 12:50 TO 1:00**

1:05 to 2:05 **GETTING THE RIGHT THINGS DONE: John Grant**

- Blast Your Roadblocks With Agile Project Management Techniques
- Tips for Choosing the Right Software and Tech Tools for Your Needs

2:05 to 2:15: **BREAK**

2:15 to 3:15: **INCREASE YOUR PROFITS BY SPENDING WISELY: Bill Gibson**

- Cut costs without cutting services or productivity
- Rethinking the traditional office and traditional office staff
- Where and when you should consider spending more money

3:15 to 3:25: **BREAK**

3:25 to 4:25: **LEGAL ETHICS: TECHNOLOGY IN LAW PRACTICE: Steve Crandall, J.D.**

- The Duty of Competence and Diligence
- Ethical traps in the use of e-mail
- Use and misuse of metadata; scrubbing programs
- Use of disclaimers
- Assertion of privilege and inadvertent disclosures in electronic communications

4:25 to 5:25: **SOCIAL HOUR**

SPEAKER BIOGRAPHIES

STEVE CRANDALL is founder and CEO of ProMotion Holdings, which provides corporate, non-profit, and legal clients with the technology and talent needed to meet the increasing demands of content creation and distribution in the 21st century. In addition to a law degree from Seattle University, Steve earned a degree in video production from the Art Institute of Seattle. He is an award-winning video producer and a recognized expert on digital media, with numerous professional certifications relating to trial and video technology. He has provided technology solutions and support on high profile cases including the September 11 Litigation, In re: Exxon Valdez, and Lucent v. Microsoft.

WILLIAM K. GIBSON started practicing injury law in Oregon in 1979. He is well-known locally as a full-time mediator and arbitrator. Unbeknownst to most Oregon attorneys, Bill also has a national reputation for his expertise in law firm management. He is the author of three editions of the best-selling *How to Build and Manage a Personal Injury Practice*, and he served as editor of *Flying Solo: A Survival Guide for Solo and Small Firm Lawyers*, 4th edition. He has written extensively for Law Practice Magazine and has won several awards for his columns and feature articles. In 2013, he was awarded the Samuel S. Smith Award by the ABA Law Practice Division in recognition of his lifetime achievement in the field of law practice management.

JOHN E. GRANT is an attorney, a consultant, a coach, a certified scrum master, and a student of all things process. He has spent most of his career in the business and technology worlds where he has studied techniques like Lean and Agile that have revolutionized productivity in those industries. John has adapted the core philosophies of those methods for the unique needs of the legal industry, and he teaches them to help lawyers and legal professionals get more done in less time, deliver greater client value, make more money, and have better control over their professional and personal lives. John blogs at LegalValueTheory.com, tweets at @JEGrant3, and you can reach him by email at John@AgileAttorney.net.

STEVE HORENSTEIN is the managing member of Horenstein Law Group PLLC, in Vancouver, Washington. Steve's practice focuses on business transactions, finance and planning, real estate transactions and finance, land use and environmental permitting and government strategies. Steve was the marketing partner at a large northwest regional law firm prior to creating Horenstein Law group in 2012. Steve has a reputation for making things happen for his clients and the community of Southwest Washington. He is an avid jazz fan and even plays saxophone now and then.

SCOTT SCHNUCK brings a wealth of business education and experience to the table. He has an MBA, and he worked in operations and management positions for 17 years before enrolling at Lewis and Clark Law School, where he focused on business law. Scott was a member and associate editor of the law review. He received several scholarships and awards relating to business law, and he graduated with honors. Scott represents small businesses including contractors and professional service providers. He has been recognized by Super Lawyers in the area of construction law. Scott is also a frequent guest lecturer with the University of Oregon business program and is an adjunct professor at Lewis and Clark Law School, where he teaches Law Practice Management.

JENNIFER R. WILLNER is a partner in Halvorson Losie Willner PLLC, which has offices in Bellevue and Bellingham, Washington. The firm's attorneys have over 75 years combined experience representing employers throughout the Northwest on labor and employment law matters. Jennifer is a past Chair of the WSBA's Solo & Small Firm Section and a

past Chair of the Continuing Legal Education Committee. She holds leadership positions in the General Practice, Solo and Small Firm Division of the ABA. As a member of the Mt. Baker Chapter of the Society for Human Resource Management, Jennifer speaks frequently to SHRM chapters and other industry groups. Jennifer received her B.A. in Psychology from Reed College and her J.D. *cum laude* from Seattle University School of Law. She is a gadget geek and reads voraciously on the subjects of technology, entrepreneurship and law practice management. The firm is paperless, the lawyers are mobile and both the Bellevue and Bellingham offices are semi-virtual. And they're happy!

MEETING THE CHALLENGES OF A CHANGING LEGAL WORLD

Introductory Remarks by Bill Gibson



K. WILLIAM (BILL) GIBSON started practicing injury law in Oregon in 1979. He is well-known locally as a full-time mediator and arbitrator. Unbeknownst to most Oregon attorneys, Bill also has a national reputation for his expertise in law firm management. He is the author of three editions of the best-selling *How to Build and Manage a Personal Injury Practice*, and he served as editor of *Flying Solo: A Survival Guide for Solo and Small Firm Lawyers*, 4th edition. He has written extensively for *Law Practice Magazine* and has won several awards for his columns and feature articles. In 2013, he was awarded the Samuel S. Smith Award by the ABA Law Practice Division in recognition of his lifetime achievement in the field of law practice management.

Tomorrow's legal world bears little resemblance to that of the past. Legal institutions and lawyers are at a crossroads and are poised to change more radically over the next two decades than they have over the last two centuries.

Prof. Richard Susskind, Tomorrow's Lawyers (2013)

I foresee discontinuity over time and the emergence of a legal industry that will be quite alien to the current legal profession.

It will not be the now dominant model of lawyering, which is face-to-face, consultative professional service by advisers who meet clients in their offices...to dispense tailored counsel.

Prof. Richard Susskind, Tomorrow's Lawyers (2013)

To meet the needs of our clients, we will need instead to dispense with much of our cottage industry and reinvent the way in which legal services are delivered.

Just as other professions are undergoing massive upheaval, the same must happen in law.

Indeed, it is already happening.

Prof. Richard Susskind, Tomorrow's Lawyers (2013)

The bespoke specialist who handcrafts solutions for clients will be challenged by new working methods, characterized by lower labour costs, mass customization, recyclable legal knowledge, pervasive use of IT, and more.

Prof. Richard Susskind, Tomorrow's Lawyers (2013)

Three Drivers of Change

- The “more for less” challenge.
- Liberalization
- Information technology

Prof. Richard Susskind, Tomorrow's Lawyers (2013)

The “More for Less” Challenge

No one can afford legal services when delivered in the traditional manner

- In House Counsel
- Business Owners
- Individual Citizens

Prof. Richard Susskind, Tomorrow's Lawyers (2013)

Liberalization

The UK Legal Services Act 2007 permits the setting up of new types of legal businesses called "Alternative Business Structures", so that non-lawyers can own and run legal businesses.

Allows private equity or venture capital.

Allows non-lawyers become partners.

Prof. Richard Susskind, Tomorrow's Lawyers (2013)

Technology

IT is now pervasive in our world.

The legal profession has not generally been swift to embrace new systems but it is increasingly finding it impossible to avoid the technology tidal wave.

Prof. Richard Susskind, Tomorrow's Lawyers (2013)

Strategies for Success

•Charging Less

•Alternative Fee Arrangements

Prof. Richard Susskind, Tomorrow's Lawyers (2013)

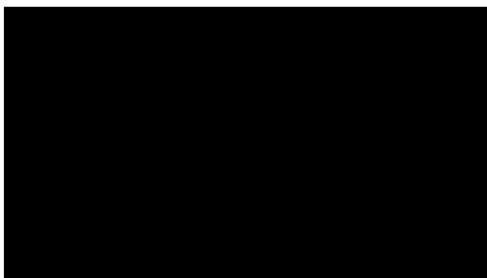
Disruptive Legal Technologies

- Automated document assembly
- Relentless connectivity
- Electronic legal marketplace
- Online legal guidance
- Legal open-sourcing
- Closed legal communities
- Workflow and project management
- Embedded legal knowledge
- AI-based problem-solving

Prof. Richard Susskind, Tomorrow's Lawyers (2013)



LegalZoom For Business



Real Lawyers



Transactional Work Will Die

"I think transactional work is going to be dead for most small-firm lawyers in the next three to five years."

Gershberg felt that 90% of the work done in many transactional deals at the small firm level is boilerplate.

Daniel Gershberg, Successful small firm lawyer
Above The Law, 2015

Once technology becomes more robust and people feel comfortable with relying on apps and services, people and businesses are going to shift any transactional work they have away from attorneys and over to technology.

Daniel Gershberg, Successful small firm lawyer
Above The Law, 2015

LegalZoom and RocketLawyer are relied on as legal alternatives for many people.

Mobile apps such as Shake further lower the cost of entry (to nothing) for basic transactional work of the type people might have gone to a small firm for in the past.

So what are small-firm lawyers who rely on transactional work to do then?

Move over to litigation? Criminal defense? Those areas are already full of lawyers with experience in those fields, and it will be difficult to transition or compete.



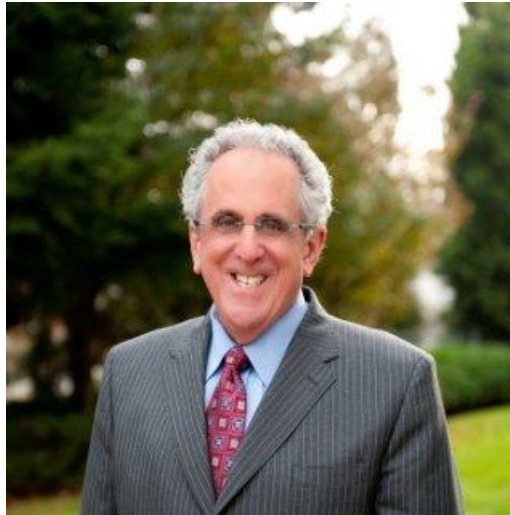
"I do think we have a tremendous gap between people who want lawyers and need lawyers, and people who can afford to hire a lawyer."

Multnomah County Circuit Court judge,
Maureen McKnight

In McKnight's courtroom, family law cases are among the most prevalent for *pro se* litigation. People representing themselves are frequently involved in small claims and evictions cases as well. The number of self-represented litigants in Oregon is similar to Washington and California's numbers, she says, noting **67 to 86** percent of family law cases involve at least one person representing themselves.

MARKETING AND BUSINESS DEVELOPMENT IDEAS **YOU CAN USE EVERY DAY**

Presented by: Steve Horenstein



STEVE HORENSTEIN is the managing member of Horenstein Law Group PLLC, in Vancouver, Washington. Steve's practice focuses on business transactions, finance and planning, real estate transactions and finance, land use and environmental permitting and government strategies. Steve was the marketing partner at a large northwest regional law firm prior to creating Horenstein Law group in 2012. Steve has a reputation for making things happen for his clients and the community of Southwest Washington. He is an avid jazz fan and even plays saxophone now and then.

Marketing and Business Development Ideas You Can Use Every Day

STEVE HORENSTEIN, HORENSTEIN LAW GROUP PLLC
WWW.HORENSTEINLAWGROUP.COM

The Marketplace

- The Great Recession caused a seismic shift in the practice of law.
 - Legal budgets are more scrutinized
 - The rise of non-lawyer competition
 - Hourly billing + multiple timekeepers are a thing of the past
 - Clients increasingly looking for the "Best Lawyer for the Job"
- Use of alternative fee arrangements now required.
- Advantage small firm.
- Less available legal work requires more clients.

2

Create a Marketing Plan

- In writing.
- Be specific as to target clients.
- Set deadlines.
- Revise it constantly.

3

The Best Marketing is Being a Good Lawyer

- Clients assume that we do competent legal work.
- Clients value responsiveness most.
- Keep your promises.
- Paper your client electronically.

“One for the court, one for me, one for the client who pays the fee.”
-Jay Foonberg

4

Get Out from Behind Your Desk and GET FAMOUS

Get known for what you do by talking about it at:

- Bar Association meetings.
- Chamber of Commerce events.
- CLEs.
- Soccer games.
- Parties.
- Have a good answer to the question:

“What kind of lawyer are you?”

5

“Being There”

- “Being There” is a movie starring Peter Sellers.
- Being there is also the art of utilizing “presence” to develop business.
- Make it a point to get out from behind your desk and “be” places.
 - Take clients to lunch.
 - Attend industry events.
 - Be proud of what you do and tell people about it.
 - Have referral sources to your office for lunch.
- Learn how to talk to the press so you can “be” in the newspaper talking about your expertise.

6

"Being There" in Your Client's Industry

- If you are going to "get famous" in a client industry, learn about it.
- Attend industry events and seminars (on your own nickel).
- Get smart enough about your client's industry to become an expert/specialist.
- Send your client industry based articles that you read.
- Write for industry trade journals.
- Ask your clients for referrals and introductions in his/her industry

7

Your Website

- Have one.
- Pay to have it done well.
- Have an EXPERIENCE section.
- Feature your business clients.
- Put content on your website.
- Link it to your blog and social media pages.
- "Mobilize" your website!

8

Social Media

- It is here to stay.
- A LinkedIn page is most important!
- Use Facebook and/or Google+ to highlight clients and community activities.
- If you have a blog, post or link its content to your LinkedIn page and Twitter feed.
- Law Firm App.

9

Content is King

- Have a blog and post content 3 to 4 times per month.
- Clients see value in “free” content.
- Content builds your reputation.
- Eblasts → Blog → LinkedIn → Twitter.

10

Digital Marketing

- It's all about your online presence now.
- It's no longer about the yellow pages.
- Start with a website.
- Add social media (Facebook, Google+, LinkedIn and Twitter).
- Hire an SEO firm to maximize your presence online using the ever changing Google algorithm.
- Content! Content! Content!

11

The Surround Theory

- If one person refers a potential client to you....
- If two people refer that potential client to you....
- If three people that potential client to you....
- The secret of the Surround Theory:

BEING THERE

12

Accessibility is a Marketing Tool

- Answer your own telephone!
- Do not answer your telephone while meeting with a client.
- Try Ruby Receptionists.
- Use your out-of-office reply with detailed messages.
- Program your phone to call your cell phone.
- Call your clients on Sunday afternoon.
- Give your cell number to selected clients (not divorce clients).
- Call the office during the first part of your vacation. (It helps keep work moving.)

33

Accessible Technology is a Marketing Tool

- Be available to work when your client needs you to (nights and weekends).
- Clients use technology and expect us to as well.
- Using the latest technology tells our clients that we stay current.
- Using the latest technology tells younger clients that we can relate to how they work and communicate.
- Technology can make work product and communication accessible the way clients want to receive it.

34

Build Your Profile ("BYP")

- Get your name out in your community... industry... niche... region.
- Make a name for yourself.
- Develop your message (elevator speech) and be intentional about where and when to use it.
- The bigger and broader your profile, the more business you will generate.

35

BYP – Business Cards

- Collect business cards.
- Selectively add them in your Contacts.
- Send an email.

36

BYP – Law School

- Former classmates are a great resource. People typically want to do business with people they know, like and trust.
- Stay involved with your Law School.
- Professors can be good referral sources.

37

BYP – Talk to Colleagues

- People that work for your firm (employees, interns, office share-mates, executive office suite tenants, office service providers, or contractors) can be great sources of referrals.

38

BYP – Speak to Others Serving Your Clients

- Accountants, CPAs, Bankers, Investment Managers, Insurance Brokers, Hairdressers, Legal Service Providers/Vendors.

19

BYP – Contact Friends and Family

- Add them to your list if you are comfortable with it.

20

BYP – Meet Competitors in Your Industry

- Think about what happens when there is a conflict or capacity issues.
- Ask to be put on their referral list. Learn about their niche and let them know yours.

21

BYP – Speak at
CLEs &
Educational
Seminars

- Create your own seminar.
- Ask your audience to connect with you on LinkedIn during the conference.
- Include a game to collect business cards, etc.

22

BYP – Learn
from Your
Activities

- Monitor what works and adjust your plan accordingly.

23

Read
*Never Eat
Alone* by Keith
Ferrazzi.

“Relationships are all there is. Everything in the universe only exists because it is in relationship to everything else. Nothing exists in isolation. We have to stop pretending we are individuals that can go it alone.”

- Margaret Wheatley

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A Workable
Position for
Marketing You
and Your Law
Firm

I never have
enough
business...

25

Thank you.



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BUSINESS PLANNING 101 **FOR THE SOLO AND SMALL FIRM**

Presented by: Scott Schnuck



SCOTT SCHNUCK brings a wealth of business education and experience to the table. He has an MBA, and he worked in operations and management positions for 17 years before enrolling at Lewis and Clark Law School, where he focused on business law. Scott was a member and associate editor of the law review. He received several scholarships and awards relating to business law, and he graduated with honors. Scott represents small businesses including contractors and professional service providers. He has been recognized by Super Lawyers in the area of construction law. Scott is also a frequent guest lecturer with the University of Oregon business program and is an adjunct professor at Lewis and Clark Law School, where he teaches Law Practice Management.

BUSINESS PLANNING

BUSINESS PLANS 101, AND
WHY DO WE NEED ONE!

SCOTT D. SCHNUCK – ALTUSLAW LLC
[SSCHNUCK@ALTUSLAW.COM](mailto:sschnuck@altuslaw.com)

1

AGENDA

- Business planning 101
 - What is a business plan
 - How to develop a **usable** plan
- Why do we want one
 - Using the plan

2

WHY HAVE A BUSINESS PLAN?

- A law practice is a business
- Guides your thinking in most business decisions
- A detailed roadmap to building/running the business
- A way to measure if you are “there”
- Does not have to be formal but it **MUST** exist
 - Templates can be helpful
 - One page business plan is very helpful ongoing

3

BUSINESS PLANS 101 – *IT, YOU, THEM, AND \$*

- Thought process
 - What do you want to do—*i.e.*, **what is the “it”**
 - Who are you—*i.e.*, **can you do “it”**
 - Who wants what you do—*i.e.*, **do “they” want “it”**
- The bottom line!
 - What does “it” cost
 - To start
 - On going
 - What can you sell “it” for
 - A word on price v. cost

4

BUSINESS PLANS 101 – “IT”

- **What is the “it”**—the thing someone is going to pay you for
- Goods/services
 - Services business plans are more simple—avoid non-service templates
- “It” defined
 - Specific product[s]
 - Location
 - Delivery method
 - Hourly v. task
- Benefits of your service (a word on feature v. benefit)

5

BUSINESS PLANS 101 – WHO ARE YOU

- “It” is defined by “you”
 - Can you do “it”
 - Should you do all the “its” you can do—focus
 - Will someone trust you to do “it”
 - Prove it
 - Are you capable? Not necessarily the most capable
 - Why should the world believe you can do “it”

6

BUSINESS PLANS 101 – “THEM”

- **Do “they” want “it”**
 - Beware of selling buggy whips
- **Market Analysis**
 - Market fragmentation – small/numerous clients v. concentrated
 - Client – e.g., companies v. individuals
 - Nature of engagement – one-off/limited repeat/long-term relationship
 - Market maturity – growing/stable/declining
 - Market size* – total size
- **Barriers**
 - Capital requirements, expertise, client contact, marketing costs...

7

BUSINESS PLANS 101 – “THEM”

- How are you going to “get” “them”
- **Understand buying mechanisms**
 - One-off v. relationship clients
 - Companies v. individuals
 - Gate keepers
 - Referral v. search practices
- **Promotion**
 - Web
 - Personal contacts – presentations, information sessions, lunches/coffee
 - Referrals – clients, attorneys, other service providers
 - Advertising/direct mail

8

BUSINESS PLANS 101 – THE OTHER “THEM”

- Competition
- Who are they
 - Size, market share, longevity, local v. remote, non-legal competitors (*i.e.*, the web)
 - Many/few
- Does the competition compete in all areas
- Their strengths and weaknesses
 - *E.g.*, large, well-funded competitors with established client base in a concentrated, corporate, relationship-based market = bad plan

9

BUSINESS PLANS 101 – YOU AGAINST THE WORLD

- Competitive Advantage—the compelling reason “they” will pick you!
 - Differentiation/niche
 - Knowledge
 - Relationships
- Sustainable v. temporary advantages
 - Scarcity – exotic specialties
 - Process – high turn
 - Relationships – concentrated/stable markets

10

BUSINESS PLANS 101 – \$\$\$

- Costs
 - Start-up v. steady-state (applicable to existing firms for new areas)
 - Fixed costs – Rent, administrative support/salaries*, parking, insurance
 - Quasi-fixed costs – telephones, computer/software, promotion
 - Variable costs – supplies, postage, research*, direct expenses
 - Capital v. operating
- Revenue
 - Price v. cost
 - Primary v. marginal pricing
 - Forecasts – scenarios are helpful

11

USING THE BUSINESS PLAN – FUTURE PLANNING

- Coordinate vision with partners/prospective partners
- Evaluate choices/opportunities
- Guide post – keeping to the path
- Purposefully altering course

12

WRAP-UP

- Be intellectually rigorous
- It, You, Them, and \$
- Questions
- Contact me with questions:
Scott Schnuck
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(503) 208-7347

The New Equation for Lawyer Happiness: Mobile + Paperless + Virtual = Green

Jennifer R. Willner

HALVORSON | LOSIE | WILLNER PLLC
BELLEVUE | BELLINGHAM

What is the key to lawyer happiness? Some may say work/life balance. Some say Food Network®. Jennifer says being GREEN is the key to lawyer happiness. And to Jennifer, being GREEN is being paperless, mobile and semi-virtual. In this presentation, Jennifer will discuss the steps her firm took to become paperless and how they manage the flow of information. She and her law partners are also mobile, which developed from the need to travel to their client's place of business, which then created some techno nerdy shopping behavior. Jennifer's firm has offices in Bellevue and Bellingham, both virtual office arrangements, thought their clients don't know this. Shhhh. You'll realize that being GREEN on the planet leads to having more GREEN in the bank which results in overall increased happiness!

JENNIFER R. WILLNER is a partner in Halvorson Losie Willner PLLC, which has offices in Bellevue and Bellingham, Washington. The firm's attorneys have over 75 years combined experience representing employers throughout the Northwest in the entire range of labor and employment law matters. Jennifer is a past Chair of the Washington State Bar Association, Solo & Small Firm Section and a past Chair of the Continuing Legal Education Committee. She holds leadership positions in the General Practice, Solo and Small Firm Division of the American Bar Association. Jennifer is also a member of the Mt. Baker Chapter of the Society for Human Resource Management and speaks frequently to SHRM chapters and other industry groups. Jennifer received her B.A. in Psychology from Reed College and her J.D. *cum laude* from Seattle University School of Law. Jennifer is a gadget geek and reads voraciously on the subjects of technology, entrepreneurship and law practice management. The firm is paperless, the lawyers are mobile and both the Bellevue and Bellingham offices are semi-virtual. And they're happy!



I. THE PAPERLESS LAW FIRM IS A HAPPY LAW FIRM

A. INTRODUCTION

Our law firm has been paperless, or rather paper-less, for many years.¹ It was a gradual process so it didn't feel at all painful. Our paper-less law office started when the federal courts went to electronic filing and we had to get a scanner. We noticed that we had boxes and boxes of paper files for those federal cases and a lot of those pieces of paper in the boxes were also scanned into PDF documents. It seemed logical to shred the paper once we had created the PDF file.

Our first digital filing system looked a lot like our paper files, with folders labeled in a similar fashion. But this proved to be cumbersome when we needed to locate a document. So we started to follow the federal system by numbering the documents, followed by a descriptive name. As we moved to a less paper office, emails were particularly challenging. Before digital files, we would print out the email (sometimes many pages) and file it in the correspondence paper file. It started to get hairy when emails covered more than one subject, which they often did. So we would copy the email and file it several places. Such a pain! Such a waste of environmental resources!

I think a lot of solos and small-firms are not sure where to start when they decide they want to reduce or eliminate the use of paper. The concept of becoming a paperless law firm is as easy as the decision to just use less paper. Instead of printing a document, attach an electronic signature, email it and save it to the digital file.² But getting started with any new system and use of new technology can be difficult. If you have more than just yourself in your law firm, you have to get the buy-in of other people. This can be particularly challenging if legal support staff have been accustomed to the same procedures for handling paper. Getting procedures in place to manage digital work flow is essential.

If your firm hasn't yet gone paperless, 2016 is the year to do it! Digital documents give you much more flexibility and result in significant cost savings. And if your digital documents are stored in the cloud, you have 24/7 accessibility from any Internet-enabled device. Remember lugging big expandable file folders or notebooks home to work on them over the weekend? No more heavy briefcases, banker boxes, or wheeled carts!

Moving to a paperless, or less paper, law firm is a spiritually freeing, heavy weight lifting, cost saving, efficiency increasing and environmentally conscious right thing to do. I guarantee it will make you happy. Here is what I suggest: **Go paperless, mobile and virtual or go home.** Because if you're paperless and mobile and virtual, you can BE at home. Or anywhere else for that matter.

¹ We still use some paper and sometimes we take notes on paper. This means we are not entirely paperless. But once we're done using a piece of paper, our files are completely digital.

² In your particular practice area, there may still be some documents that have to be maintained in their original, paper format.

B. STEP ONE: PAPER-LESS PLANNING FOR DIGITAL WORKFLOW

Workflow is the activities performed to capture, generate, communicate, manage, and retrieve information. There are many options for every activity. The best workflow processes for a paper-less office are processes that eliminate printing and then reduce scanning.³

To plan your paper-less law office, first consider how you will address the following workflow processes:

1. Telephone and in-person note-taking.

Consider how to record your notes of telephone conversations and in-person communications so that you can digitize your notes as easily as possible. Digitizing your documents is your first goal. Other goals are to reduce the need for scanning, improve efficiency and cost savings. In our firm, we either create digital notes (by typing a Word document on the computer or notes on a tablet) or convert handwritten notes to digital by scanning. A cool feature of our office's telephone system is that phone messages are sent to us as WAV files via email and can be saved in the client's digital files.

2. Document drafting.

The average lawyer creates tons of documents in digital format. Even the heavy paper user law firm pretty much first creates documents in electronic form. Chances are you already have lots and lots of digital files in addition to your paper files. Correspondence, pleadings, notes, filings and perhaps demonstrative evidence are all created with software. Consider how you will process the documents you already create digitally. Where will drafts be stored and how will you know they are drafts? The best system incorporates some central location (network, server or cloud) where digital documents reside. Users go to the documents, rather than keeping the documents on their own computers. Drafts are kept in one folder, "final" documents in another file.

3. Incoming documents.

The goal is to minimize the need to run your scanner. Why? Because it takes time! Even a fast, duplex scanner still requires human operation. So the goal is to minimize the amount of paper that comes to your office in the first place. How? Ask that a document be sent to you via email

³ It's probably impossible to eliminate scanning altogether, since people still seem hell bent on sending lawyers pieces of paper.

only. Or sent via secure online storage, like [Dropbox](#).⁴ There are some documents that need to be kept in their original paper format with an original signature of course. But these are the exceptions to the general rule that people should send you digital document instead of paper. Remember the letter header that said “SENT VIA ELECTRONIC AND U.S. MAIL”? Forget the postal service. Keep a central digital file, not separate filing systems on separate computers.

4. Digital Filing Systems.

What do you do once you have the electronic documents in your office? How do you organize them for easy retrieval? You must develop a good filing and naming system for organized and easy document filing and retrieving. One of the hardest things about moving to a paperless practice is figuring out how to organize your electronic files. The key to such a system is to create a few rules that you, and everyone else in your firm, are willing to follow—and then follow them every time you create or scan a new document.

First, consider establishing a written filing-tree system that is as close as possible to the paper-based system you are currently using—or an ideal paper-based system if your current one isn’t working so well. This will make your digital file system seem familiar. This is what we first did in our firm, we created our digital filing system exactly like our paper filing system. For example, you could create a file folder for each client, subfolders for each individual matter you are handling for the client and sub-subfolders for things like pleadings, correspondence, discovery, etc. But the secret sauce is in how you name the documents within each file, and it can greatly reduce the need for subfolders.

Many practice management software systems have document management capability built into them. A do-it-yourself option is this: name documents starting with the date on which you create or receive it, in year-month-date order followed by a detailed description of the document’s contents. This way your documents will always fall in chronological order within the digital file. And you can use Windows Explorer’s ability to sort files to flip them, putting either the oldest or the newest on top. An example of such a file name would be “*2015-10-01-Letter to client outlining settlement options.*” You have about 250 characters to work with when naming a file, so be creative but consistent.

5. The Email Situation

Emails pose a challenging digital filing problem because (a) most of our communications seem to be via email so there are thousands of emails to deal with; (b) emails often address more than one subject and have ludicrous content and (c) not all email programs allow batch printing to a PDF file. Preserving emails in digital format is as much organization as it is efficient email management.

⁴ There are other cloud storage and sharing services, such as [SpiderOak](#), which does not know, or have any way to find out, your password to access documents stored on their servers.

GoDaddy's email client for example allows you to check multiple emails and then print the checked emails in a batch as one PDF document. So handy! But instead of printing on paper, you print to a PDF file. This way you can store many email messages in one file, e.g. "2014 May" or something similar. You can search within the batch PDF file for emails relating to a particular subject. I'm told that Microsoft Office can batch print emails too.

Alas, so far Google Mail (the paid version of Gmail) and Gmail (the free version) do not allow this handy batch printing feature, which is really annoying. Because of this, it's helpful to try and keep email messages to one subject. Think carefully about creating an endless email string by replying back and forth in the same email. Be bold and start a new email! Or delete all the crap that occurred before when responding. Thinking about the need to save the digital copy of an email automatically changes how you write your email, doesn't it?

What I have ended up doing with Google Mail is to turn off the "conversation" feature and print each email to a PDF document, naming the digital email file by date and subject, e.g. "2015.10.2.Email string re: drug policy revisions". Instead of the handy one PDF batch email file, I have hundreds of emails saved as PDF documents in each matter. But they are labeled so I can find what I need. The concept is to be able to find your emails saved in digital format like you used to flip through your Correspondence paper file to locate a letter or memo. Now I have a folder called Email Correspondence and within this folder are subfolders by month and year. From personal experience, print to PDF your emails on a regular basis, which will avoid lots of effort at the end of the month.

Mozilla's Thunderbird email program is a very handy tool that has superior email organization tools. You can link Thunderbird with several email accounts but I don't recommend it, having tried that and it's just too many emails. Thunderbird will pull emails into the Thunderbird interface. Thunderbird allows batch saving of files to a designated folder, which is better than individually printing emails in Google Mail.

6. Reduce Working with Paper.

When possible, avoid working with paper. Instead train yourself to work with electronic documents. This applies to outgoing document distribution as well. Sending documents outbound electronically requires the fewest steps (i.e. no printing and no scanning), and gets the document to its recipient very quickly for no cost (no postage or courier fees).

7. Lean and Mean.

You want to keep you active electronic file folders lean. By lean I mean you don't want old, closed files clogging up your active digital folder space. This can result in longer file-search time. The solution is to archive your digital files to a permanent location. Archiving files isn't deleting them. Instead you just move them to an "archive" folder location. You'll still be able to access them if needed, but it gets it away from the active files. Archive files can be stored on a backup drive, a separate location on the server, or with a document storage service in the cloud. I used to think archiving once a year was enough, which was what we did with paper files. But

after working in an all-digital environment for several years, I find myself archiving files on a quarterly basis, sometimes more often depending on how many new active matters exist.

C. STEP TWO: THE FULLY PAPERLESS WORKFLOW

Going completely paperless means turning everything into digital at the door. In a paperless office, there are really two kinds of paper documents:

- Paper that has been scanned and must be saved; and
- Paper that has been scanned and may be destroyed.

Some kinds of paper will remain in the fully digital law firm, for examples, magazines and law books. But even these providers of legal information are going digital. You may also need to save things like photographs, audio media, and physical objects. Digitize everything you can, and save what you must. The paperless law office has to work for you and your practice and so much of that is personal preference and tailored systems.

One way to think about creating a paperless system is that every piece of paper that comes through the door needs to first be scanned. This works well in the small office, but in a larger firm, or with legal support staff, you need to create procedures about how a piece of paper will be handled. For example, you can funnel all incoming paper to a single person or department, who is responsible for scanning and distributing incoming documents, or you can give every lawyer or assistant a scanner and establish procedures for the flow and filing of digital documents.

Whichever structure you choose, some paper will be created internally, and all staff must be held to a firm policy on digitizing documents. Those assigned to a file must make sure that the digital file is *The File*, complete and up to date at all times. Remember how your filing box always ended up six inches high before an assistant would get around to filing? Filing of paper documents was such an issue in my past law firms. In the paperless office, the file is ALWAYS up to date ALL the time.

Going fully paperless requires a simple but important change in your firm, and everyone must buy into the program. Everything works the same; it just has to happen with digital files instead of paper ones. Fortunately, those who prefer to work with paper may continue to do so – after it is scanned – if your firm decides to allow it. They can simply toss the paper in the shredding bin when they are done with it. In our firm, we do use paper to work with, sometimes it's necessary or helpful to look at a piece of paper. Then we shred it.

1. The Toolkit for a paperless office.

You really should purchase a designated scanner. However, my law firm has not. Many solos and small firms use a multi-function, all-in-one device, and we do the same. The down side is that these machines tend not to be very good at any one thing. They are a compromise device. If you have a litigation practice, you really need a proper document scanner.

There are two easy-to-use desktop scanners that work great for a solo/small firm: the [Fugitsu ScanSnap](#) and the Neat Company's [NeatDesk](#). I highly recommend getting a designated scanner like this if you have a litigation practice. But for my practice, which is mostly transactional, I decided to go to Costco to buy fanciest multi-function device that had the duplex printing/scanning feature. It turned out that the printer (an HP Officejet 8600e) was also really cheap (under \$200) because of a rebate going on.

I don't use this printer for printing very much because (a) we're a paper-less office and (b) ink cartridges are expensive. But it works very well as a reasonably speedy duplex scanner. This model isn't available anymore, I think HP is up to the Officejet 8625e. But you get the idea: go to Costco, get cheap duplex scanner that works pretty well..

Once you get your nifty scanner, try scanning a pile of documents. Just pick a pile of documents. It doesn't really matter what you scan, just so you scan something. Once you realize how easy it is, you might get addicted. You will see that going paperless is not only possible; it could be fun. After this pile of papers has been scanned, you might look for piles of paper and bankers boxes clogging your office, and start to realize that you really can make all that crud go away. And you will want to. You will be ready to go paper-less.

2. Pick a start date or start with your next new matter.

Lawyers always ask me how to take the first step in going paperless. Well, you can start with your very next new matter. No matter how small or large, this new matter will be the first all digital client file. This file can be the experiment, the test case, the figure-out-how-to-go-digital case. Alternatively, you could pick a date. Pick January 1, 2016! That said, our firm had a rolling start, nothing at all as organized and methodical like my advice here.

For now (or ever) don't worry about scanning existing case files. Just pick a date or pick the first matter to be all digital. Later, you can identify pending or closed matters that you would really benefit from having in your paperless system. Or you can cherry-pick just those to scan and include as digital. In our practice, we have large clients with hundreds of different matters. Some of these clients still have paper files in off-site storage. For those matters, we scanned helpful and relevant historical documents to maintain in the client's current digital files.

D. DECIDE HOW FAR YOU WILL GO DIGITAL

Let's say you have picked a date to become a paper-less office. Or you have started with that next new client matter which will be a digital client file. You're six months down the road and feeling pretty good about using less paper. Now the decision is how far do you want to digitize? Digitizing your closed files gets rid of the main problem with paper files: all those boxes or cabinets full of things you rarely look at again. We first solved the storage issue by going to off-site records storage. There are hundreds of boxes of our closed paper files and there they sit. In a box. In a warehouse. An attorney I know personally stores closed files in his attic. No lie.

If storage fees are costing you some bucks, or weighing down your ceiling timbers, consider scanning them all. Our file storage provider has this as a fee service.

From a workflow perspective, scanning closed files is easy. When you're ready to close a file, instead of putting the file in the file room (or your garage, attic, a closet) you need to consolidate all the file information to a single, digital folder. This means the pleadings and correspondence, of course, but also notes, drafts, e-mails, and anything else that makes up The Official Client File. I don't bother scanning document-by-document when I am merely archiving a file. One or more large PDFs is fine.

When you have finished scanning a file, I think it makes sense to send an electronic copy to the client. You could just hand off the paper file to the client, instead of shredding it, but I like the ease of mailing a CD instead of a huge file folder or several boxes of documents. If you do this, notify the client of your firm's document destruction policy in the closing letter. Our firm's policy is to destroy our copy of the file and maintain a digital only copy. This language is in our client engagement letter. At the end of the matter, we give the client a CD of everything.

E. PAPER-LESS TIPS AND IDEAS

1. Make the mental paradigm shift to view a client's digital file as The File. Treat the digital file as you would an original paper file, it must be complete, organized and up to date, digitally speaking.

2. Stop printing out pieces of paper. Just try it. Print the document to PDF and then file it electronically. If you need to look at paper to create a large document, when you're done with the paper, scan, save and shred.

3. Create a digital signature stamp ("clipart") to insert a signature into applications like Word or Acrobat. This avoids the wasteful process of printing something in order to sign it, then scan it back into digital format, only to ultimately email it. An easy way to create a digital signature is this: sign a piece of paper; then scan it into a PDF document. Cut the signature using the edit tool, save the signature as a BMP (picture) file. You can then copy the new signature BMP file directly into a Word document. Voila, you've signed a digital document.

4. Does anyone still use paper letterhead? Consider using only digital letterhead. You can still print it out if you have to. Type your letter directly into your digital letterhead document. If you need an envelope, your printer will print beautiful return address envelopes. We created return address labels using an Avery label format:

HALVORSON | LOSIE | WILLNER PLLC
Crown Plaza 4th Floor
114 W. Magnolia St.
Bellingham, WA 98225-4394

They print 30 to a sheet, in color. We don't use them very often, mostly to mail checks and pleadings, when required.

5. Stop printing prebills. Give them to attorneys as PDF files and teach attorneys how to mark them up on their tablets or computers. Even with the basic Adobe reader, you can add sticky notes for corrections to prebills.

6. Try sending out your own invoices to clients in digital format. We now send out all our invoices via encrypted email. Many of our large clients pay by electronic transfer. Ask companies that send *you* bills to send statements in digital format. Convert print subscriptions to digital format to read on your tablet. This isn't for everyone, but I end up actually reading my magazines when their on my Kindle.

7. Get rid of that traditional fax machine. Convert to a desktop scanning solution (check out faxcompare.com). Remove your fax number from business cards, email signatures and Firm letterhead. If people don't have it, they won't use it.

8. Get Adobe Acrobat Standard; upgrade to Acrobat Pro if you need Bates stamping, redacting and form creation tools. There are less expensive alternatives to Acrobat out there too. Check out [Nitro PDF Pro](#), [PDF Transformer+](#) and [Foxit](#). These have free trials to give the software a spin.⁵

9. A simple rule: if it came in digital it stays in digital.

F. WHY THE PAPERLESS LAWYERS IS A HAPPY LAWYER

1. No more moving paper around.

How much time—and money—do you or humans in your firm spend looking for files, taking documents out of files, putting documents back in files, carrying documents from one place to another, copying documents, etc.? It takes a lot of time to move paper around. With digital files, you file things only once: the first time you get them. The system becomes read, scan, save, shred. Having a central digital filing system is key if there's more than one of you in your law firm. We use Google for Enterprise instead of a physical server.

2. No more carrying lots of paper.

Many of you regularly go home with a stack of files. I used to do that too. Until I went paper-less and semi-virtual. Carrying legal files a lot of lifting and carrying for a desk job. If you handle even moderately-complex matters, bringing the file home may require a hand cart. But the paperless warrior doesn't even carry a briefcase. Well, maybe it's a Michael Korrs brief/bag. All the paperless attorney needs to carry around is a tablet or small computer. The

⁵ These cheaper options may not be viable for the practitioner who needs Bates stamping capability. Though on first glance, Foxit looks promising.

latest thing is to store your law firm documents in the cloud.⁶ See this [article by Nicole Black](#) written for the ABA on the ethical issues of cloud computing. The ABA in all its coolness and resources has [collected cloud ethical opinions](#) around the country. If your files are in the cloud, your law firm goes everywhere with you.

3. Time is money.

When cross-examining a witness, paperless files are a huge advantage, since you can search all your files—including their contents, with just a few keystrokes. For example, when a witness says something that sounds wrong, you can find impeachment evidence by punching a few keywords into your desktop search. You may even find evidence from another case or from a news story you once saved. Imagine trying that with a pile of paper. You'd need an associate or a law clerk. Those people cost money.

4. Sharing is simple.

With digital files, sharing with co-workers, clients and opposing counsel is easy. Just remember, to be ethical, you must encrypt your files and your email too.

5. Avoiding catastrophe.

Try to imagine the unthinkable: your office building burns, your laptop is stolen, a hard drive fails or an identity thief makes off with your client files. A Bellingham attorney was stopped at the Canadian border and asked to turn over his laptop. He refused and eventually was allowed into Canada with the suspicious looking computer. But it's a lesson, he says, to avoid keeping any client files on a computer's hard drive. Managing risk means backing up digital files with multiple redundancies. Every piece of hardware is password protected, with multiple redundancies if possible. Everything that leaves your office in digital form is encrypted.

In the end, the major hurdle to creating your paperless law office is not the task of getting your scanner and computer file structure set up, but rather addressing your psychological attachments to paper and your relationship with a paper-centric office. The key is to start with a solid paperless office transition plan that emphasizes changing the way you think about your paper files and your paper workflow. And I promise, paperless equals happiness. And peace of mind.

II. THE MOBILE LAWYER IS A HAPPY LAWYER

A. INTRODUCTION

I used to enjoy going to my beautiful office in downtown Bellingham, which I shared with my good friend and now law partner, Michelle Losie. The Crown Plaza is on the historic register and lots of different kinds of lawyers have offices there (so good sources of referrals). We hung art that we liked on the walls, we brought in pictures of our kids, there were law books on the

⁶ If you use Microsoft products, you're already in the Cloud. There are certainly ethical ramifications of cloud storage which must be addressed to the practitioner's comfort level.

shelves, a well-designed ergonomic desk set up and a brand new cool laptop computer, bought solely because it was red.⁷

Until Michelle joined the firm in 2014, I didn't have a traditional brick and mortar office. The majority of my law work was done in my home office or in various mobile settings, including at a client's office, in my car, on the plane or train, in a hotel room, on the beach, by the pool, or at someone else's house while on vacation. But we thought we would try sharing a traditional office space. And it was awesome! But we found that most of our work was still done in places other than the office. So we let our lovely office space go and moved back into our respective home offices. Michelle's home office is larger, so we have firm meetings at her place.

B. MOBILE LAWYERING

Mobile lawyering, as I am defining the term, involves practicing law in any environment outside of a brick and mortar office. I suspect that every single lawyer reading these materials is a Mobile Lawyer in some fashion. I would also suspect that every lawyer in active practice has some (or many) tools of technology that allow him/her to practice law outside of a brick and mortar office. A cell phone, smartphone, tablet, lightweight (or not) laptop, netbook, ultrabook, storage media/backup devices, portable scanner or printer, projector, or other wireless devices, the list goes on and on. Let's call these technology tools and gadgets the Mobile Lawyer's Toolkit. I believe, as to other technology writers⁸, that eventually it will become malpractice to remain a Luddite⁹.

So what kinds of devices should be in the Mobile Lawyer's Toolkit? Let's discuss what lawyers do. Every kind of lawyer needs to create documents. At the most basic level of technology, you need software to create documents (and do other productivity related things) and the hardware to operate the software. You might also want to print documents but if you're a Happy Lawyer, you just scan documents. Everything technology related stems from this basic need to do the work with software (or apps) loaded onto hardware. Even if you use programs that are cloud-based, you still need a piece of hardware to connect to the Internet and make the software do things.

There are innumerable sources of opinions available about what is the "best" technology for mobile lawyering and tech gurus can be pretty darn opinionated. My feeling is that decisions about technology are really decisions about personal preferences. What works for you represents the "best" technology for your mobile law practice.

⁷ Because really, any new computer, Mac or PC, does what a lawyer needs it to do. So why not get a pretty one?

⁸ In particular, Sam Glover, creator of The Lawyerist blog. See <http://tinyurl.com/pb7g8th>

⁹ The Luddites were 19th-century English textile workers who protested against newly developed labor-economizing technologies (circa 1811-1816). The word has now become synonymous with those opposed to new technology. *Source*: Wikipedia of course. *But see* Smithsonian article on the real history of the Luddite movement: <http://tinyurl.com/nterzt5>

C. THE MOBILE TOOLKIT

I'm kind of cheap, so I don't have the latest, most awesomely cool mobile technology even though I want it. Badly. My personal mobile toolkit consists of these devices:

- a. An [Asus Transformer netbook](#)
- b. Kindle Fire 8.9" tablet **OR**
- c. [LG G Pad 10.1" tablet](#) (through Verizon)
- d. Bluetooth keyboard/case that works with the Kindle Fire
- e. Bluetooth keyboard/case that works with the LG GPad tablet
- f. Samsung Galaxy Note 4 smartphone
- g. Power cables (the Kindle, GPad and smartphone all take the same power cable)
- h. A portable battery pack (that powers the smartphone and a tablet at the same time)
- i. A tiny MicroSD card containing client materials and other law firm stuff in case of no Internet connection (works in the smartphone, the Transformer AND the G Pad)
- j. Tylenol, also in case of no Internet connection
- k. Headphones

I used to travel with a nifty little printer. It worked great! These days I no longer have the need to print anything when I'm travelling. If I do, I'll use the hotel's business services or a nearby Kinkos (not for client materials however). I do a fair amount of in-house training and some clients do not have power point projectors. So my next technology purchase will be a [portable projector](#).

1. Computers.

My home office technology consists of a laptop PC, second monitor screen and the aforementioned wireless HP OfficeJet. The OfficeJet has duplex capability and scans paper remarkably fast. I also have a Chromebook in the kitchen¹⁰.

When I travel, I take the Asus netbook because it's small and light and has all the Microsoft Office software loaded on it. I've tried several netbooks and they all start to slow down and get frustrating to work with after about a year. I believe this has more to do with Microsoft Windows than the hardware itself. So I replace my netbook every year or so because they're cheap. Or you could buy one Macbook Air and never have to buy another computer.

¹⁰ A Chromebook is a device that looks like a small computer but it's really not. A Chromebook is an Internet device running Google Chrome OS as its operating system and Google Apps for software productivity. With a Chromebook, there's no more operating system or software updates. No spinning hard drive and therefore no internal fan. It's quiet, solid state and can be dropped from 5 feet and still work (inadvertent test). It was weird at first, but now I'm a convert. If you have a Google office, this is a cool device. And it's *really* cheap. My entire presentation and slidedeck was created on the Chromebook.

The Chromebook is small, lightweight and also very fast, since it does not have any programs loaded onto the machine (other than Chrome OS). But it doesn't work very well to create and edit Microsoft documents. In fact, it sort of sucks. Google has improved this functionality since I've owned a Chromebook but really, don't rely on this device to create Office documents. It also requires an Internet connection to be fully functional. But if you are using Google Apps in your law practice like we are, the Chromebook is quite awesome.

Sometimes lawyers get all hung up on what computer to buy for mobile purposes but that's a waste of energy. PCs are all pretty much the same. Apple computers are the best, most beautiful computers ever invented. My "Happy Lawyer" advice is to buy a new computer that looks pretty and is lightweight enough to travel with easily.

2. Tablets

Let's face it, iPads are incredible, beautifully designed devices. I bought my significant other an iPad for Christmas. But I bought myself a Kindle Fire 8.9". I tried two other tablets¹¹ before the Kindle Fire and returned them to get the Kindle. The downside to the Kindle is that App developers have to go through Jeff Bezos to get something designed for the Kindle. Google's philosophy is to invite everyone to the table. But the main productivity apps you need as a lawyer¹² work on the Kindle.

The downside to most tablets is that they don't have their own Internet connection, you have to find WiFi somewhere. Using a public WiFi when you're working leads to confidentiality issues. My solution is to turn on my smartphone's WiFi Hotspot (which is password protected) and then connect my tablet. It's not an ideal situation, the ideal situation would be to get a little personal WiFi device rather than suck the life out of an expensive smartphone. But I'm cheap.

Recently, I decided to try a tablet with it's own built-in Internet capability, meaning it's a device on my cell phone plan with Verizon. I bought an LG G Pad which is an Android device. But I've found that the Internet connection on the G Pad is pretty slow. Or at least slower than the Internet connection available through my smartphone's WiFi Hotspot. Go figure, they're both on Verizon. What's nice about the G Pad is that it has an incredibly beautiful HD screen and a rear-facing camera. And the full range of available Android apps through Google Play, the Android app marketplace¹³.

¹¹ The Samsung Galaxy Tab 7 and the Google Nexus 7. Both of which, in freaky paranormal fashion, refused to turn on after a couple of weeks of use. Must have been my magnetic personality.

¹² On my Kindle, I have these productivity Apps: OfficeSuite Professional 8; Evernote; OneDrive; LinkedIn, Twitter, Facebook and Messenger (but not Instagram); Skype; and the Email, Internet Browser and Calendar apps that are used with the Kindle (and which sync across all my devices). OfficeSuite is linked (and syncs) to my OneDrive, Drive, Amazon Cloud and Dropbox files. I also use Lookout Mobile Security.

¹³ On my G Pad, I have these productivity Apps: OfficeSuite Professional 8 (even though I could have individual Microsoft apps for Word, Excel, & PowerPoint); Office Lens (mobile scanner); Evernote; Slack; OneDrive; Drive; Dropbox; Amazon Drive; all the social media apps including Instagram; and Lookout Mobile Security.

Because I have bluetooth keyboard/cases with both tablets, I've experimented with just taking a tablet while travelling. The OfficeSuite Professional 8 app (\$14.99) has Word, Excel and Powerpoint functionality. The app lets you connect and sync with all your online document storage services which is just incredibly handy. I can easily type short documents without cursing at the downsized keyboard.

Bottom line, tablets are a personal preference kind of thing. It doesn't really matter which one you get, just that you can use it to be more efficient, productive or happier. The Kindle Fire makes me the happiest because I like to shop on Amazon. And watch shows on Amazon Prime. And read Kindle books. Even with the vastly expanded Google Play marketplace available on the LG tablet, I still prefer my Kinde Fire tablet.

If you're considering getting a tablet, JUST DO IT. Put your toe in the water and get the least expensive one you can find. The only way to decide whether technology works for you is to test drive it. You can read all the reviews and [read what other people have in their mobile kits](#), but when it comes right down to it, you have to do your own test driving. My technology purchasing strategy is whatever is on sale at Costco. Or Amazon. Just give any tablet a try. You will wonder why you didn't get one sooner.

3. Smartphones

There are still a few actual, real-life lawyers I know who steadfastly refuse to get a smartphone. They have a regular ol' cell phone and that's good 'nuf. These folks don't feel the need to read and respond to every email immediately while waiting in the barista line. I don't necessarily think smartphones are essential to a lawyer's competence¹⁴, but they can be a useful tool for increasing productivity and efficiency.

Just because you can access your email 24/7, just because you can do legal research via a smartphone app, doesn't mean you have to. But the ability to respond to a client quickly, sync important practice data, including your calendar and contacts, is extremely useful. Most every lawyer I know has a smartphone. Most every teenager has one too. Enough said.

The choice of Smartphone is certainly a matter of personal preference and what's available through your cellular carrier. Because I wear reading glasses, I chose a Samsung Galaxy Note 4 simply for the screen size. It has the handy ability to write notes with a stylus. Thus far, I've used this note taking ability to jot down a particular song on Sirius radio and for grocery lists. The screen of the Galaxy Note 4 is so large, I call it a Phablet or a Tablone. No need to put

¹⁴ The American Bar Association (ABA) adopted changes to its Model Rules of Professional Conduct that are designed to address digital age challenges associated with practicing law in the 21st century. These changes emphasize that lawyers must understand the ins and outs of technology in order to provide competent representation to their clients. See Comments to Model Rule 1.2, [\(8\) Maintaining Competence](#).

reading glasses on every time I need to dial a number. It's the first smartphone I've had where I wasn't impatiently waiting for the next rollout.

4. Accessories and other gadgetry.

The Mobile Lawyer needs a few techie accessories. Power cords for the various devices, a second mobile power source not dependent on finding an outlet, and a way to access work if there's no Internet connection. A portable power strip is a handy device too, since there is never enough outlets in a hotel room. [Check out this one from Monster](#) that has a USB outlet too, for only \$19.99. If you are parked somewhere for a while, consider bringing a [laptop stand](#) for a more ergonomic workstation.

Consider carrying a set of backup power cords because it's expensive (and time consuming) to buy replacements when travelling. I have had to do this. Having a [portable battery charger](#) is incredibly handy. There never seems to be any available seats next to the powerstrips in airports. And not all planes are like the news ones from Alaska that have power outlets in every row.

Many hotels now charge for Internet in the room (a very frustrating situation). The answer may be to carry your own WiFi hotspot (sometimes called a MiFi). My smartphone is also a hotspot, which is more secure than joining an open network. USB drives containing documents and such in case of no Internet connection is also a good idea. And I bring headphones when I travel, so I can watch a [show on Amazon Prime](#) or listen to [Jack White](#) very loud.

5. Mobile applications: there's an app for that.

Here are some top apps the Mobile Lawyer should consider:

- a. [Evernote](#). I don't know what I did without Evernote. I think I forgot stuff but I don't remember. And not just in my law practice, Evernote helps me remember my life. Evernote is an app that lets you store information which then syncs across all your technology. Evernote stores photos, attachments, reminders and notes in both handwriting and text format. Evernote now has a work chat sharing function (I haven't tried it). The web version of Evernote clips items from webpages. Once you use it you won't leave home without it.
- b. [Lookout Mobile Security](#). There's a free and a paid version. I first used it on my smartphone but now there's a version for my Kindle Fire Tablet. It has the ability to wipe your device if it's stolen and other handy security features. It has a great little message that pops up after it scans your device for bad things which says: "Everything is okay." I love this app just for that little affirmation. Why yes, everything IS okay.
- c. [GoodReader](#). For iPad users, I read that you can upload your key pleadings, briefs, exhibits, et cetera, in a Dropbox folder and then, with the press of one button in GoodReader on your iPad, they are synced over. \$4.99 in the Apple App Store. I have GoodReader on my Android devices but I haven't yet tried the Dropbox sync thing.

- d. [Dropbox](#). Dropbox allows you to carry your files or access information across a variety of devices. There's a free and professional version. Also available for Apple mobile products.
- e. [OfficeSuite Professional 8](#). This is my productivity app of choice. I can view, edit, and create Word, Excel, and PowerPoint documents, convert to/from PDF, and manage files on my device. It also connects and syncs with all my cloud storage services and is easy to use. \$14.99 in Google Play. Not available on Apple devices.
- f. [Docs To Go](#). This is a great app for reviewing and editing Microsoft Office documents on a tablet or smartphone. It syncs documents across your technology and the paid version allows you to link to various cloud storage services: Google Drive, Dropbox, Box and OneDrive. It's \$14.99 in the Google Play Store and \$16.99 in the App Store.
- g. [LogMeIn](#). This app allows you to connect to your home computer, which is useful when you need to use software for which there is not yet an application, such as a time-entry system or document-management system. Although companies are developing apps for these software systems at a rapid rate. The app also has a great set of shortcuts for controlling the remote screen and is free to use for the functions most people are looking for. And it's FREE. Also available for Android as LogMeIn Ignition.
- h. [Depose](#). This app gives attorneys the ability to prepare for and take depositions using their Android device. The app gives users the ability to directly enter the questions or upload them in plain text. Users can attach exhibits to the question; then you'll only need one copy for the witness. \$7.99 in Google Play.
- i. [Fastcase](#) and dLaw. Fastcase provides free legal research capabilities for a tablet or smartphone, while dLaw provides offline statutes and rules. Great research sources. Both are free. Fastcase is also available for Apple mobile products.
- j. [eZPDF Reader](#). EzPDF Reader is a high-class PDF editor/reader that adds annotation functionality and several other dynamic capabilities." 99¢ for Lite version or \$3.99 for Pro version in Google Play. Also available for Apple.
- k. [SignMyPad](#). To accomplish the digital life, you the ability to electronically sign a document. \$3.99 in Google Play. Professional version at \$19.99. Also available for [Apple mobile products](#).

D. FURTHER READING

There is this great little PDF guide called *Attorney at Large: The Field Guide for Mobile Lawyers*. It was written in 2012 by the AttorneyatWork blog people, who have "one great idea every day". And it's true, they really do. The guide features the profiles of lawyers who travel extensively, and offers great travel tips and mobile lawyering tips. Download the field guide at: http://www.attorneyatwork.com/wp-content/uploads/2012/07/AttorneyatLarge_eguide_070212.pdf

III. THE VIRTUAL LAWYER IS A HAPPY LAWYER

A. INTRODUCTION

As a solo and small firm practitioner, you have immense flexibility in how you structure your law firm and law practice. Consider these alternatives to traditional law firm models:

1. Office sharing with compatible practices
2. Forming firms with lawyers in other communities
3. Virtual law firms
4. Executive office space arrangements
5. Home offices
6. Some combination of the above

Law firm structure is evolving from the traditional brick and mortar, associate slave driven law firm (been there done that) to a more creative, quality of life driven firm structure. One of the most important advantages to the non-traditional “virtual” law firm is vastly reduced overhead expenses. How creative are you? There are many ways to practice law!

B. ONE EXAMPLE OF A NON-TRADITIONAL LAW FIRM

The traditional revenue sharing model in law firms is affectionately referred to “eat what you kill.” I prefer the phrase “individual cost center model.” My law firm is an individual cost center model though we share equally certain common expenses and hare proportionately other expenses.

1. Evolution.

When I joined my partner Larry in 2006, our firm maintained brick & mortar offices: my partners had an office with Regis in a downtown Seattle high rise and I rented office space in the Crown Plaza Building in downtown Bellingham. We occasionally met face-to-face for social reasons but did most of our firm management via telephone and electronically.

Our firm represents only employers so we tend to meet clients at their place of business. In fact rarely do we meet existing clients in our offices. So it just sort of evolved that we would work from our home offices more and more, rather than drive to the downtown office. Our Seattle brick and mortar office went by the wayside first, which immediately saved the firm nearly \$1,000 in rent. I was the last to give up my brick and mortar office at the Crown Plaza which though less costly, still had the immediate effect of increasing my bottom line, no more rent, long distance and internet charges. It also increased my efficiency, no more colleagues dropping by to say hello and chat.

Our firm now maintains “semi-virtual” office arrangements. Our Bellevue office is actually located inside the law firm of a friend of mine. Their staff manage Larry’s mail, but he answers his own phone. We can use their conference rooms and they make excellent coffee. They see us so rarely that when we do come by, they roll out the red carpet and are happy to see us!

Our Bellingham office is still at the Crown Plaza, just semi-virtual. My partner Michelle and I can use one of many conference rooms to meet clients or conduct depositions, the Crown Plaza’s office staff answer our phone and can forward calls to each attorney or send the WAV file via email. The Crown Plaza staff also manage our mail and are available on a contract basis for \$15/hour if necessary. I’ve used the staff to photocopy and scan, as well as file documents with the court. There is a high speed mega printer/scanner available plus a lunch room to chitty chat with other lawyers on the floor.

As a general rule, we do not advertise to clients that we are a “virtual” law firm. This is a marketing decision, as we represent many very large employers. We prefer to project the image of a more traditional law firm structure. We do all the work of practicing law ourselves. We have no secretaries or paralegals. We do not advertise this fact to clients either.

2. Delivering Client Services.

These days, every communication to and from clients is electronically generated and transmitted. We convert all documents to an encrypted PDF format, which saves paper and file space. We use both Adobe Acrobat and a free PDF document converter: www.primopdf.com. PrimoPDF sets itself up as a printer on your computer, and when you print any sort of document via Primo PDF it will be converted to a PDF file. You can convert to PDF from any application, such as Word, Excel, PowerPoint and many other printable file types. It allows you to password protect a PDF document too.

For several years, I used eFax, an internet fax service. Faxes are sent and received via an internet connection. Faxes are delivered directly to an email address, which allows you to pick up faxes wherever you have an internet connection. The service also increases client confidentiality. There are several levels of eFax services, including a toll free number option. I finally figured out that (a) no one was really sending me faxes anymore and (b) eFax was unnecessarily expensive (\$19.99/month). We experimented with eliminating our fax number altogether, but then I had occasion to need a fax number. I now use [MetroFax](http://MetroFax.com) at \$7.95/month.

Our firm model is highly efficient with very low overhead. We enjoy a quality of life that our colleagues in traditional firms do not have. There are certainly some things we could do to increase our efficiency and connectedness as a firm. For example, we do not have a virtual private network (VPN), which would provide both efficiency and security in electronic communications. We do use Google Work, the paid version of Google, and this office interface has worked very well. We have a shared Drive folder which serves as a network drive. We now have a shared Calendar, which is useful.

C. WHAT IS A VIRTUAL LAW FIRM EXACTLY, AND IS IT FOR ME?

1. Let's Define Virtual Law Office (VLO).

There is some confusion today about what is meant by a "Virtual Law Practice" (VLP) or a "Virtual Law Office" (VLO). The term eLawyering is also being bantered about. Wikipedia now has an entry on *Virtual Law Firm*: "A virtual law firm is a group of lawyers with diverse expertise that are banded together through technological means to provide a suite of services to its clients." A virtual law practice is where most communications between attorneys and their clients occurs through a secure online server system. A virtual law office generally refers to renting an office mailing address without having a physical office at that location. Stephanie Kimbro, a North Carolina sole practitioner, is widely regarded as the VLP pioneer. (<http://www.virtuallawpractice.org>) According to the new 2010 ABA Legal Technology Survey Report Update, when asked whether they have a virtual law office/virtual law practice (i.e., do not typically meet with clients in person, and primarily interact with clients using Internet-based software and other electronic communications software), 14% of lawyers surveyed responded affirmatively.

The ABA Law Practice Management Section eLawyering Task force says:

eLawyering is doing legal work - not just marketing - over the Web. Pioneering practitioners have found dramatic new ways to communicate and collaborate with clients and other lawyers, produce documents, settle disputes, interact with courts, and manage legal knowledge. ELawyering encompasses all the ways in which lawyers can do their work using the Web and associated technologies. Think of lawyering as a "verb" - interview, investigate, counsel, draft, advocate, analyze, negotiate, manage - and there are corresponding Internet-based tools and technologies.

[The ABA ELawyering Task Force](#) tells us that, "[t]o be successful in the coming era, lawyers will need to know how to practice over the Web, manage client relationships in cyberspace, and ethically offer "unbundled" services." The Task Force's website has a wealth of information on providing legal services via the Internet. See also: <http://www.elawyeringredux.com/>. This is the landscape of the "New Legal Normal." http://www.abajournal.com/legalrebels/new_normal/.

2. The New Legal Normal.

Unless you've been asleep for the last five years, you have probably heard of [LegalZoom](#), the California-based, non-lawyer legal document preparation company that claims it has delivered over 1,000,000 wills to consumers, and that it is the largest incorporation company in the country. LegalZoom, and other Internet-based legal form web sites, are eating away at the market share of solos and small law firms. In this new, competitive environment that solos and small law firms face in the current economy, the keys to law firm survival are to expand the strategic options available by opening new client markets, reducing the cost of services, and

delivering legal services in a way that distinguishes your firm from other firms in the pack. These strategic options can be mixed with more traditional approaches to differentiation, such as “specialization” within a niche practice area. Forward thinking attorneys suggest that to compete with such sites, lawyers must incorporate some of the elements of the LegalZoom business model. For example:

- Consider offering "unbundled" limited legal services at a fixed price, both on-line and off-line
- Leverage a reputation in your local community and a physical office into an on-line brand that is both local to your community and extends throughout your state
- Add virtual law office functionality to your web site so that your clients can have the option of interacting with you on-line
- Figure out ways of using Internet-based technologies, such as web-enabled document automation, to strip out costs from your overhead structure, which increases efficiency
- Figure out how to offer lower priced (or no cost) services for more routine matters in order to build trust so that when a client has more complex problems they will turn to you for assistance
- Emphasize all of the advantages of using an attorney over a non-lawyer forms provider in your marketing materials and your elevator speech
- Use web-based technologies to respond to both prospects and clients within hours rather than days
- Reduce the perceived risk that consumers have in retaining a lawyer by increasing transparency and structuring performance metrics
- Adopt [project management technologies](#) to better estimate costs and fees on more complex projects, translating that data into communications that clients understand

For further inspiration, check out the [ABA Legal Rebels](#). It’s my feeling that solo and small firm attorneys can work together to create virtual and semi-virtual firms, using each other to build practices and enhance services to clients. I’m convinced that this type of law firm provides greater service to clients and enhances personal quality of life.

3. The Unbundling Evolution.

The recession has affected the legal industry irrevocably. Clients either don’t call an attorney or ask for assistance in handling matters themselves. We are still asked to represent large employers in litigation and agency proceedings, but the smaller employers have requested that we unbundled our legal services and “coach” them through certain matters.

For example, a client will be audited by an agency and wish to represent themselves through the appeal. The dollar value at stake might be at or near what it would cost for me to represent them during the appeal process. In order to “coach” effectively, I obtain a commitment from the client to self-education. I will send materials explaining the appeal process, the rules of civil procedure and rules of evidence (rather loosely followed in administrative proceedings) and examples of administrative opinions to read.

In the last few years, I have coached many clients through administrative appeals and have been surprised at the way they have been treated by administrative law judges (who often go out of their way to help the client through the process) and treated by assistant attorney generals (who sometimes are extremely impatient, bordering on unprofessional). By coaching and helping a client navigate legal proceedings, the client feels more empowered, spends less money, often gets a favorable result, and consistently telephones me for assistance in the future.

We also try to provide value added services that generate long term goodwill. For example, a client will retain us to defend a litigation matter. During the representation, we will provide some legal services at no cost. Since we are employment attorneys, we provide drafts of policies, procedures and other personnel related material at no cost to help prevent a similar litigation matter.

In this New Normal of practicing law, we must constantly re-envision our law practices or put away the shingle. I speak to hundreds of struggling attorneys every year. Rethink your business model, rethink how you deliver legal services, rethink your billing rates. And re-imagine yourself.

Mobile + Paperless = Happy Lawyer

by Jennifer Willner

HALVORSON | LOSIE | WILLNER PLLC
BELLEVUE | BELLINGHAM

Oregon State Bar
Solo and Small Firm Section

FIFTY SHADES OF GREEN: *Building a Profitable Solo or Small Firm Practice*

October 30, 2015

Why Mobile?

Freedom

Flexibility

Client service

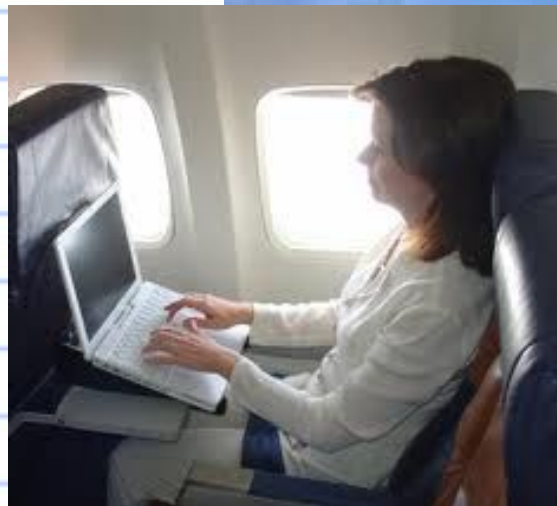
Adaptability

Reduces carbon footprint



Freedom

Wherever you go,
your practice
goes.



Flexibility

Fit your law practice around your life



Or fit your life around your law practice.



Me and
Fonzie

Client Service

Meet clients where they happen to be.



Reduces carbon footprint



[OregonLive](#) reports Portland area traffic jams are the Nation's 10th worst.

Okay, not really, PDX is the 17th worst city in the US.

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So much of the environment destroyed.

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Choice of office situations



Executive Office Suites



The Lincoln

Home Office



The Mobile Toolkit



Smartphone



Laptop



Netbook



USB drive



Hard drive



Tablet



Headphones

The Mobile Toolkit



Rolling case



Portable Projector



Portable Scanner



Mobile Hotspot

Security considerations

Mobile tools

- Passwords
- Double redundancy
- Backups
- Security software/apps
- BYOT security

Information

- Cloud storage issues
- App security issues
- Email security
- Document security

Why Paperless?

Cost savings

Efficiency

Client service

Low carbon footprint

GO GREEN
AND
SAVE GREEN



Cost savings



\$ \$ Ka-ching \$ \$



Efficiency

- Less time looking for documents
- Less time filing documents
- Client copies emailed easily



Client service

- Ease of communications
- So more client communications
- Less costs passed to client
- Most clients prefer electronic
- Take precautions: encrypt documents and emails
- Treat emails like paper letters

Low carbon footprint



Enough said.

Equipment & Hardware

1. Plan ahead for increased digital storage needs
2. Where will you store documents?
 - a. Dedicated server
 - b. Cloud
 - c. Portable storage media
3. Laptop/netbook for portability
4. Scanner
 - a. Who gets one?
5. Access to office files if not in the cloud

Software

1. Adobe Acrobat is a necessity
2. Less expensive alternatives to Acrobat:
 - a. NitroPro (\$149)
 - b. Quoppa PDF Studio8 Pro (\$129)
 - c. PDF X-Change Editor 3.0 (\$49)
3. Practice Management Software option
4. Cloud services



Implementation Decisions

1. Intake procedures for data flow
 - a. Mail
 - b. Faxes
 - c. Email
 - d. Voicemails
2. Assign responsibility
 - a. For scanning
 - b. For electronic filing system
 - c. For distribution
3. What happens with the paper?

Paperless flow - incoming

1. Mail

- a. Scanned and filed in client matter
- b. Copied to client if appropriate
- c. Summary correspondence log updated

2. Email

- a. Printed as a PDF
- b. Filed by date
- c. Descriptive document name
- d. Summary correspondence log updated

3. Voice mails

- a. Saved as WAV files

4. Notes of conversations

- a. Filed in client matter by date/subject

Paperless flow - management

1. Summary log by date
 - a. All correspondence
 - b. Notes of meetings
 - c. Documents by date
2. Drafts
 - a. Labeled by date
 - b. Filed in separate folder
 - c. Descriptive document name
3. Litigation set up similar to paper files
4. Tasks
 - a. By client
 - b. Daily to do
 - c. Connected to Calendar

Paperless flow - outgoing

1. Drafting and Revising

- Word and Google Docs

2. Finalize with digital signature

3. Create PDF document from Word or Docs

4. Or scan original to PDF

5. Email document

- a. Password protected

- b. Encrypted

6. Faxes

Cloud considerations

Data must be encrypted at rest

Where is the data?

Who has access?

Read the fine print

Options for storage:

NetDocs

SpiderOak

Dropbox

Google Drive

Microsoft OneDrive



When Using Paper is Better

Reading important documents

Writing a brief, an article, a book

When electronic communications are obnoxious



Further Reading

- *The Reading Brain in the Digital Age: The Science of Paper versus Screens*, <http://www.scientificamerican.com/article/reading-paper-screens/>
- *Attorney at Large: The Field Guide for Mobile Lawyers*, http://www.attorneyatwork.com/wp-content/uploads/2012/07/AttorneyatLarge_eguide_070212.pdf

The Federal Trade Commission has consumer information on mobile technology issues:

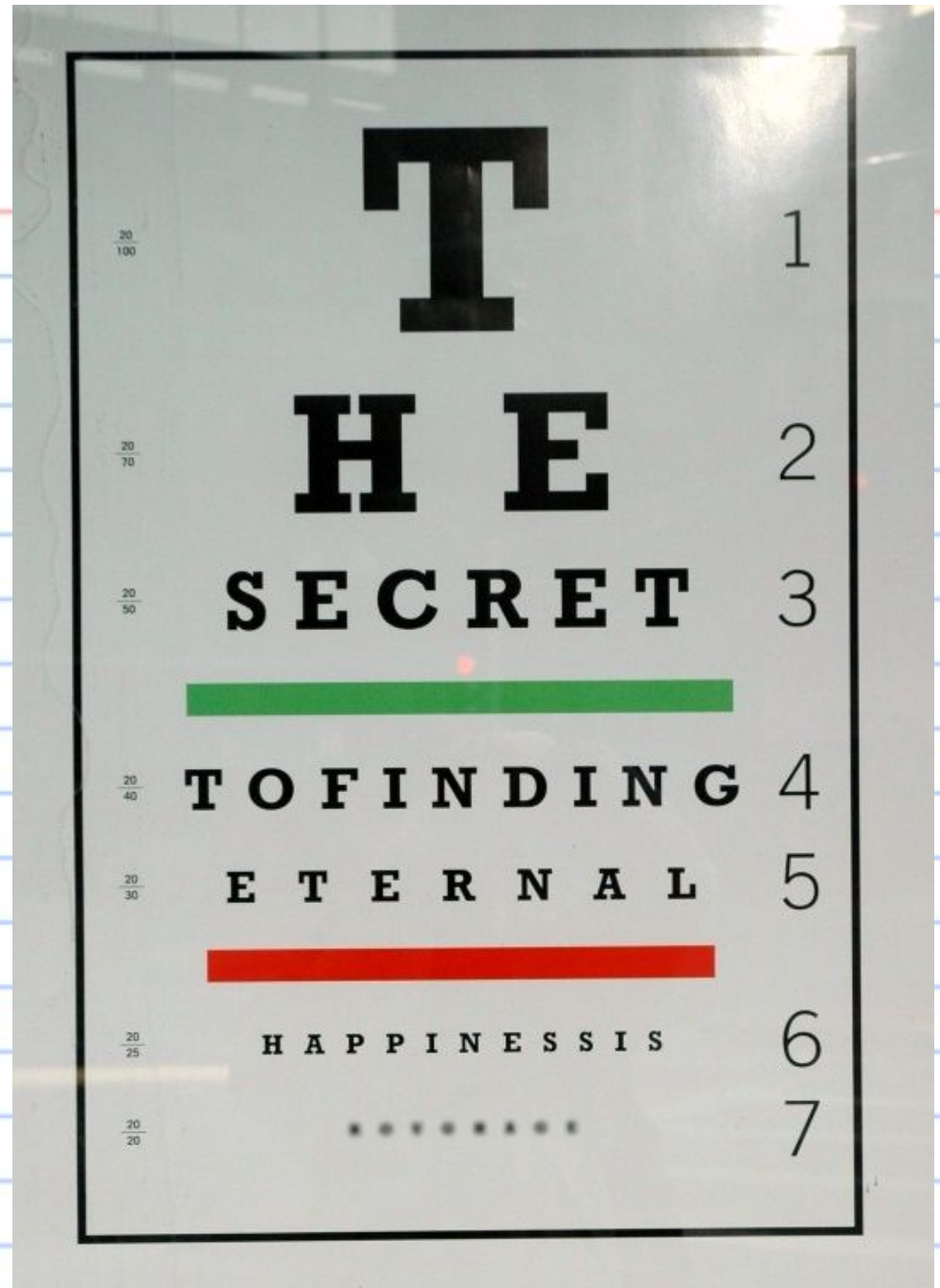
- Understanding Mobile Apps: <https://www.consumer.ftc.gov/articles/0018-understanding-mobile-apps>
- Tips for using public WiFi networks: <http://www.onguardonline.gov/articles/0014-tips-using-public-wi-fi-networks>

Zen is

Mobile +

Paperless =

a Happy State
of Being



GETTING THE RIGHT THINGS DONE

Presented by: John Grant



JOHN E. GRANT is an attorney, a consultant, a coach, a certified scrum master, and a student of all things process. He has spent most of his career in the business and technology worlds where he has studied techniques like Lean and Agile that have revolutionized productivity in those industries. John has adapted the core philosophies of those methods for the unique needs of the legal industry, and he teaches them to help lawyers and legal professionals get more done in less time, deliver greater client value, make more money, and have better control over their professional and personal lives. John blogs at LegalValueTheory.com, tweets at @JEGrant3, and you can reach him by email at John@AgileAttorney.net.



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The Dawn of the Agile Attorney

BY JOHN E. GRANT ON FEBRUARY 13, 2015

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A pen, a pack of sticky notes, and a wall: not things most of us would think of as a technology solution in 2015. But with these tools and few hours of training in a workflow management system known as Kanban, immigration attorney Greg McLawsen has made significant improvements in his firm's ability to process matters more quickly and effectively. The result: happier clients and an improved bottom line.

More powerful insight. Less effort.

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"I've implemented a lot of different technologies since opening the firm," says McLawsen. "And without a doubt, Kanban has been the cheapest technology we've implemented, because it was basically free, but it was also the easiest. In terms of return on investment and energy, it has been hands-down the best thing we've done to improve the practice."

McLawsen's firm, Puget Sound Legal in Tacoma, WA, is on the forefront of a new generation of lawyers who are looking to technology companies not just to buy the tools they build, but to learn and adapt the methods they use to build them. Those methods, loosely grouped under the moniker "Agile," have revolutionized the way modern businesses deliver their products and run their operations. They stand to do the same for the legal industry.

Anyone who has followed the tech industry closely over the past 10 years knows that the rise of Agile techniques has significantly improved the way that leading companies manage their projects and deliver their products and services. In 2010, Forrester Research reported that 35 percent of technology companies had adopted Agile methods, but by 2013 another report found adoption rates approaching 75 percent. Moreover, businesses have reported that their Agile projects were implemented more quickly, suffered significantly fewer failures, and resulted in higher customer satisfaction than their traditionally managed counterparts.



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THIS ISSUE OF LP TODAY

The TECHSHOW Issue | February 2015

Successful players like Google, Facebook, and Spotify have famously used Agile and its many offspring—Scrum, Kanban, Lean Startup, and others—to deliver to customers more quickly, be more responsive to change, empower their workers, and improve their bottom line.

Legal tech firms are no different, with established businesses like Avvo, Clio, and Rocket Lawyer, and up-and-comers like Shake, BanyanRFP, and Legal Trek all using Agile techniques to inform and improve their workflows. It begs the question, if Agile works so well for the knowledge-worker world of software development, why haven't more lawyers adopted Agile for the delivery of legal services?

"A lot of it is because Agile is so new," says Alicia Lanier, an operations consultant who specializes in applying Agile techniques to non-software businesses. "Agile as a cohesive discipline only goes back about 14 years, and it has taken some time for it to gain traction in the tech world. Non-technology businesses are only just starting to become aware of its power."

So what is Agile? At its core, it is a philosophy—one that emphasizes collaboration among customers and team members, a focus on solving customer problems over simply fulfilling requests, and responsiveness to change. A number of tool sets have cropped up under the Agile umbrella to help define and describe customer value, facilitate communication and collaboration among team members, and focus efforts on iterative (rather than sequential) delivery of products and services. In many ways, Agile is the direct descendant of Lean Manufacturing principles, but instead of optimizing the factory floor, Agile is native to the more conceptual world of knowledge work. The original [Agile Manifesto](#) centers on software, but its teachings are equally applicable to other knowledge industries.

"Agile techniques have helped us better understand the problems that our customers need us to solve," says Ivan Rasic, a lawyer and CEO of Law Practice Management startup LegalTrek. "As a result of Agile thinking, especially Lean Startup principles, we are able to move very quickly to implement and improve features that create immediate value for our customers. Also, by defining proposed tasks using the user story framework, we focus our resources on building solutions to real problems rather than just implementing features and hoping they meet a need."

Another lawyer turned legal-tech founder agrees. After a 20-year career as outside and in-house counsel, Dave Sampsell founded BanyanRFP, a cloud-based platform that helps businesses manage proposals from law firms to make more informed and cost-effective counsel selection decisions. Although Sampsell learned Agile in the software context, he believes it is a good fit for legal work. "So many lawyers struggle to grasp the most basic concepts of project management," Sampsell says. "But part of that is because the amount of up-front planning required by traditional project management is really hard in the uncertain context of legal matters. Agile methods make project management easier by breaking the project down and rapidly delivering valuable work to the customer. That, in turn, encourages a cadence of communication and collaboration with the customer that allows the project to adjust its course continuously to satisfy the client's needs."



One hallmark of Agile practitioners is their use of visual workflow systems like Kanban boards to represent processes and the many tasks the flow through them. "Once I put my workflow into Kanban, I knew I could never see it another way again," says Jason Gershenson, a solo attorney who counsels technology businesses in New York and Oregon. "I love being able to see all of my work in progress at a glance, and having the steps in my workflow laid out visually really focuses me on finishing tasks and delivering work—work that I get paid for—to my clients."

"Not only that," Gershenson continues, "many of my clients use Agile in their own workflows, so it is a competitive advantage for me to speak their language. When potential clients hear that I use Agile to run my law practice, or see the Kanban board in my office, they know that I'm committed to understanding my customer's value proposition and delivering services that truly work for them."

Lanier sees 2015 as the year Agile will flourish in industries outside of technology. Her clients have included the Oregon Department of Transportation and the Portland Bureau of Environmental Services, where she has used Agile frameworks to refine complex workflows and manage projects. "Businesses recognize that Agile techniques help produce better outcomes and lower risks for many types of projects and processes," she says. "Early adopters can use Agile thinking to gain a competitive advantage today, but in a few years I expect Agile to become standard practice in other industries just as it has in software."

Sampsell feels the same way, especially when it comes to using Agile for legal work. "It is clear to me, having gone



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through the process of developing software using Agile methodologies, that law can learn an awful lot about project and product management from other disciplines," he says. "Lawyers who adopt Agile are going to be in a better position to deliver services efficiently—and deliver a greater sense of client value—than those who don't."

A brief glossary of Agile terms:

Agile: A group of product development and project management methods that promotes adaptive planning, evolutionary development, early delivery, and continuous improvement, and encourages rapid and flexible response to change.

Lean: A building block to Agile, Lean is a process improvement methodology that emerged from manufacturing and which focuses on improving the delivery of customer value by removing as waste any activities that do not add value.

Scrum: An Agile delivery framework that empowers cross-functional teams to deliver working units of incremental value over a series of short (usually 1-3 week) time periods known as Sprints.

Kanban Board: A visual work management tool that uses columns on the board to represent various stages of a system or workflow, and uses individual cards (often sticky notes) to represent individual tasks or work within the system.

Kanban: A delivery framework similar to Scrum but that doesn't use Sprints to define delivery periods. Kanban's flexibility makes it commonly used outside of software development for both personal productivity and team workflow management.

Lean Startup: A business and product development framework that discourages long-term development cycles in favor of the rapid creation of a Minimum Viable Product and subsequent iteration of that product. Followers of Lean Startup principles use hypothesis-driven testing of products and processes to gain Validated Learning that capitalizes on positive results and helps avoid repeated mistakes.

User Story: A requirements gathering framework that captures feature requests in the context of customer roles and needs. User stories follow the rough format "As a _____, I need to be able to _____, so that I can _____."

About the Author



John E. Grant is the founder of Agile Attorney Consulting in Portland, OR. He can be reached on Twitter at [@JEGrant3](#).

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Lean Legal: Three Techniques for the Agile Lawyer

John E. Grant

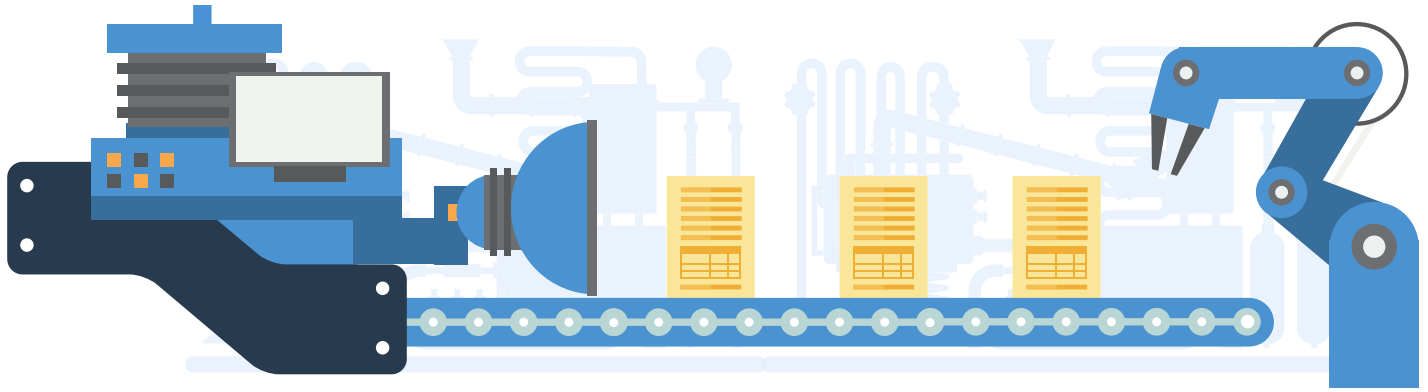


Lean Legal: Three Techniques for the Agile Lawyer

The pace of change in the legal industry is accelerating. New technologies bring new opportunities, but also create new challenges, and client expectations are changing apace. Everyone seems to want more for less, and they want it better and faster than ever. So how can lawyers keep up with shifting client needs and perceptions?

A growing number of attorneys are turning to a set of project management and process improvement techniques commonly known as “Agile.”

As you might expect from the name, going Agile certainly helps businesses be more nimble and responsive to their customers. However, Agile also has been shown to pay huge dividends in improved productivity, increased teamwork and worker engagement, and higher quality products and services. This guide will give you a brief primer on the history of Agile, its benefits, and three specific Agile techniques that anyone can adopt to begin improving your practice immediately.



What is Agile?

Agile is more a philosophy than a methodology. Although the term “Agile” was coined fairly recently, many of its teachings are grounded in age-old wisdom about individual productivity and group dynamics.

Capital “A” Agile has its roots in software development. During the early days of the internet and the corresponding tech boom, software companies had a problem: the pace of change was outstripping their ability to deliver new products and services using traditional (or waterfall) project management. Delivery cycles took many months, or even years, as new features went through sequential phases like coding, UI design, integration, QA testing, and release (often going back-and-forth between phases). By the time a new piece of software went live, the customer’s needs had already changed.

At best, this often resulted in a software product that immediately felt limited or dated. At worst this could mean a loss of customers and vulnerability to competition from new entrants.

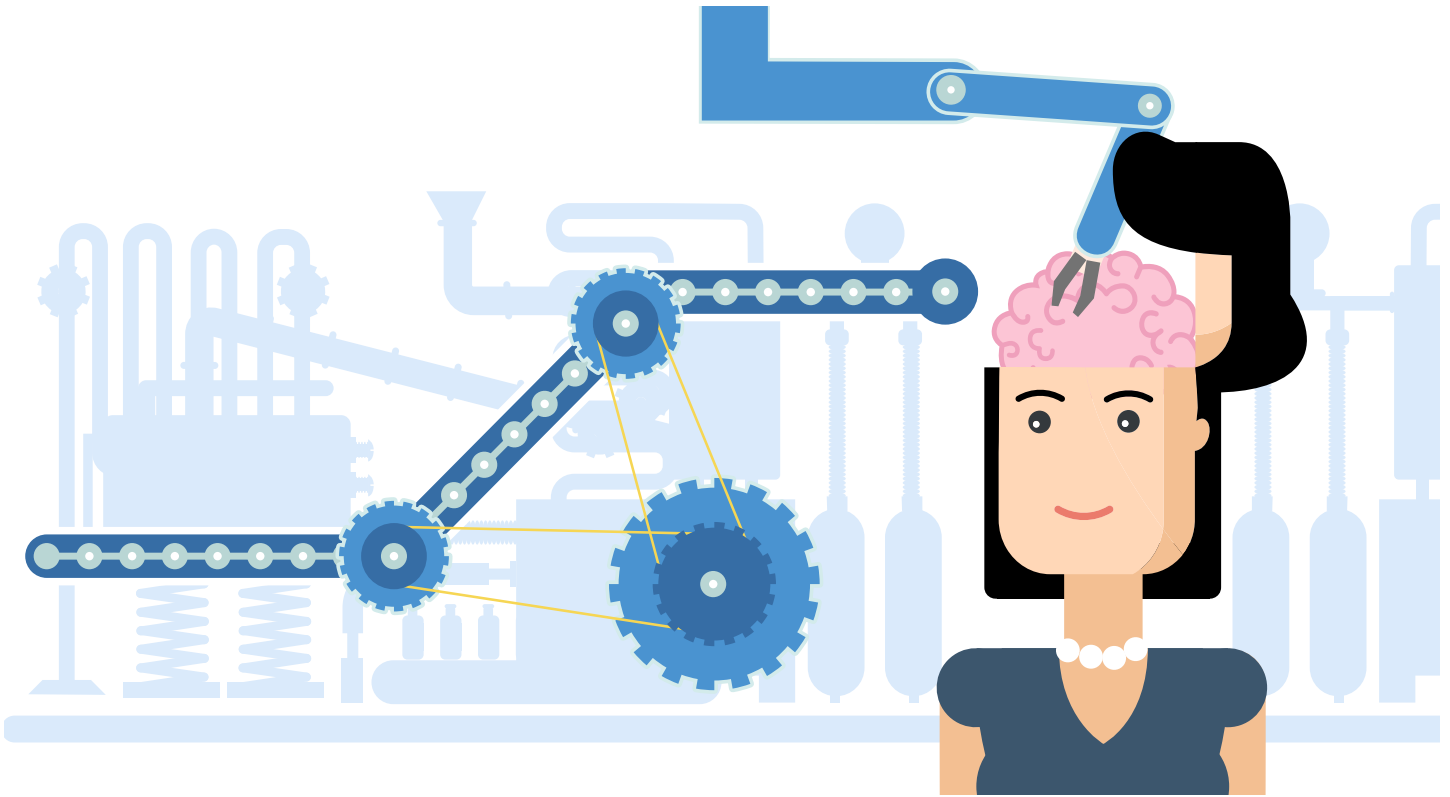
In the early 2000s, a group of software developers devised a new methodology for building software that sought to break this cycle of long lead-times and poor outcomes, and they called this methodology Agile. In some ways Agile isn’t new at all—it can trace its roots at least as far back as Henry Ford and the assembly line, and it has much in common with modern tool-sets like Lean and Total Quality Management. But where previous productivity methods responded to the physical needs of the manufacturing world, Agile is native to the more abstract demands of knowledge work.

A full description of Agile methods would take volumes, but there is little doubt that the methods work. Just 14 years after the original “Agile Manifesto,” the 2014 annual State of Agile¹ Survey found that 94% of respondents have adopted some form of Agile in their businesses. Moreover, 87% of respondents reported that Agile methods improved their team’s ability to manage changing priorities, 84% said that Agile led to improved productivity, and 79% said that Agile increased team morale and motivation. And these aren’t just software companies—only 25% of respondents were from the technology sector, with significant representation from financial and professional services, government, healthcare, and many other fields.

Notably absent? Legal. But lawyers aren’t exactly known as cutting-edge in their adoption of new tools. And even legal is catching on, with a growing number of attorneys and legal teams using Agile methods like Scrum to manage projects like litigation and deals and Kanban to support transactional practices like immigration, business formation, and family law.

While it would be impossible to give a full explanation of these methods in these brief pages, there are several techniques that are common to Agile practices that are easy to adopt but that can pay immediate dividends in productivity, client satisfaction, and the overall health of your practice. I’ll discuss three of them that you can start using today.

¹<http://info.versionone.com/state-of-agile-development-survey-ninth.html>



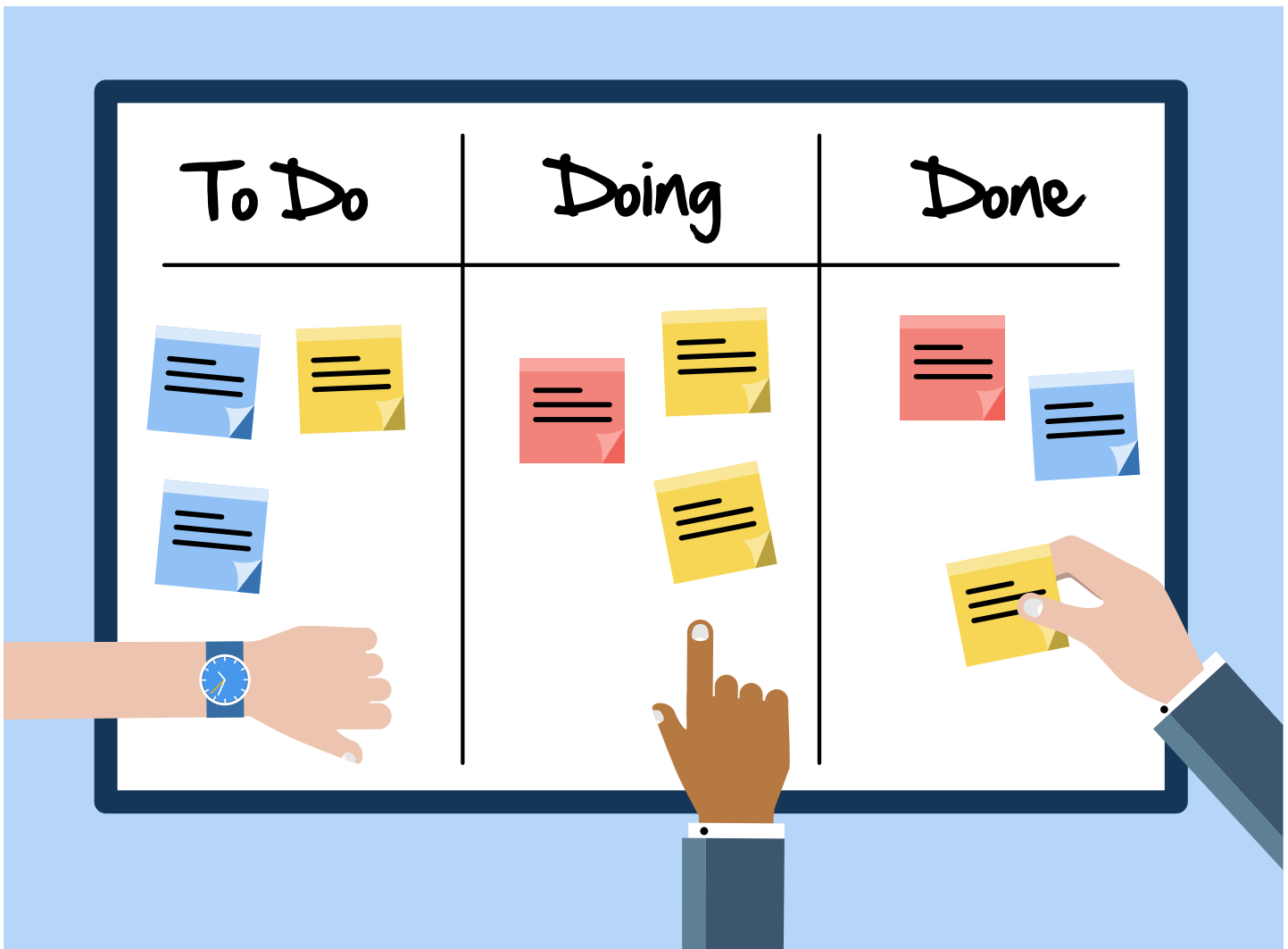
Technique #1: Make Your Work (and Your Workflow) Visible

As I mentioned above, Agile has its roots in the Lean techniques that revolutionized the manufacturing industry starting with Toyota in the 1960s and 70s. Today you'd be hard-pressed to find a manufacturing or delivery business anywhere in the world that doesn't employ Lean to some extent. But Lean has a significant advantage over knowledge-centric industries like software and legal: you can literally see the product as it progresses through its various stages of completion. If a particular stage in the workflow breaks down, or if a bottleneck starts to form, it is relatively simple to see where the problem is and take steps to address it.

With knowledge work this is much more difficult—our processes are hard to see and the work-in-progress often exists only in the form of 1s and 0s on our computers or in the accumulated knowledge between our ears.

To address this shortcoming, the first step in almost every Agile initiative is to give some physical form to the tasks that make up a knowledge worker's day, usually in the form of a task wall or kanban board.

Kanban is a Japanese term that literally translates to “sign” or “card,” and the idea is that you can use individual cards to represent pieces of knowledge work. Those cards can then be arranged on a board, where different columns represent different stages of the workflow. Even the most basic kanban boards start to approximate the flow of a manufacturing plant, with work flowing from one stage to the next as it is turned into a finished product or service. And like a manufacturing plant, when a particular stage in the process starts to fail or a choke-point develops, you can easily see where the work is slowing down and develop a plan to address it.



The simplest kanban boards consist of just three columns: To-do, Doing, and Done. And for personal productivity, these columns are definitely enough to get started. Tasks that you hope to accomplish in a given time-frame, usually a day or a week, go in the “To-do” column. Those that you are actively working on go to “Doing,” and work that you’ve completed goes to “Done.”

Even this basic board can be incredibly useful, especially over short time periods. In fact, the simplest way to start experiencing an Agile methodology is to try Kanban for a day. Just grab a pack of sticky notes and clear a patch of your wall (windows work too).

Make three stickys for your column headers and then write out a separate sticky for each task you can reasonably hope to accomplish today. Those notes go in your “To-do” column with the most important task on top and the least important on the bottom. As you begin work on a task, move it over to the “Doing” column (ideally you’ll do them one-by-one, but at least keep it to 2-3). Then as you complete the tasks move them to “Done”. It’s that simple. Then review your completed tasks at the end of the day, maybe populate your “To-do” column with a few things you hope to accomplish tomorrow, and then do it again tomorrow.



Technique #2: Trade in Tasks for Stories

Even with a solid productivity tool like a kanban board, It is easy to get overwhelmed with the sheer number of things we think we need to accomplish at any given moment. Sure we have times when we feel more productive, knocking out tasks seemingly one after another. But a task-based focus can also leave us feeling like we're on a never-ending treadmill where we expend a lot of energy and do a lot of work, but never seem to get anywhere with it.

And even when you feel those bursts of productivity, they aren't always recognized as progress by your client or customer. What you deem to be a productive day may look like busywork to your stakeholders.

Agilists combat these pitfalls of task-based activity by changing the way they think about the work that needs doing. Rather than defining what work needs to be done and what features it needs to have, they start by framing up a statement of what problem needs to be solved and why. In fact, this simple act of asking “what is the problem I am trying to solve” can be an incredibly powerful tool for working through obstacles or mental blocks.

But Agile practitioners most commonly use a set of open-ended sentences known as a “User Story” to describe problems that need solving. In short, a User Story is a snapshot of a particular customer need and the reasons behind that need. User stories follow a simple format:

As a _____, I need to be able to _____, so that I can _____.

Each blank represents information that you need to capture based on the best information you have about the customer.

As a <customer role>, I need to be able to <desired outcome>, so that I can <benefit>.



Depending on your type of practice, you may be able to develop an array of generic or semi-generic stories that apply to your typical client. A family law practice, for example, may have a basic set of stories that includes things like:

- As a person whose marriage is failing I need to be able to dissolve my legal ties to my spouse so that I can get on with my life.
- As a person whose financial interests are entangled with those of my spouse I need to be able to ensure that my assets are protected so that I can have the resources I need to continue my life on my own.
- As a soon to be single parent I need to be able to maintain a strong relationship with my kids so that I can be assured that they are safe and well-nurtured.
- As a person going through an emotionally difficult time I need to be able to vent my frustrations to someone so that I can get things off my chest and feel like my feelings are valid.

Similar high-level story sets can (and should!) be developed for any practice area. You may think you know the stories for your clients—and you probably do have some idea—but making an effort to consider them more fully give them form will enhance your understanding of your client needs and leverage that knowledge in your services delivery and business development efforts.

Once you've developed these high level stories you can use them to inform the work you do in your practice. Keeping with the family law example, a lawyer might replace a task (or set of tasks) having to do with filing temporary orders at the beginning of the dissolution with one or more user stories describing what problems she is trying to solve for her client. The measure of “Done,” then, becomes not whether the work was completed but whether the problems have been solved.



Technique #3: Be Retrospective

Agile is big on small rituals. You may already be a “ritual” person, but if you’re rolling your eyes then you should know this: the use of rituals has been scientifically shown to boost performance² and stimulate the creative process.³ In Agile methods, particularly Scrum, rituals provide quick but effective ways for team members to check in with each other, lend assistance, foster accountability, and measure progress towards goals.

²<http://www.scientificamerican.com/article/why-rituals-work/>

³<https://www.fastcompany.com/3035281/hit-the-ground-running/the-importance-of-ritual-to-the-creative-process>

Scrum is well known for its four rituals: the Planning Meeting, the Daily Stand Up, the Review Meeting, and the Retrospective. The first three rituals I’ll touch on only briefly (though they are powerful in their own rights). Their primary purpose is organizing the work to be done (the Planning Meeting), coordinating the team while it actually does the work (the Daily Standup), and, at the end, assessing whether the problems represented in the stories were actually solved (the Review Meeting).



Which gets us back to the fourth ritual, the Retrospective. Where the first three rituals are mainly about planning and doing the work, the Retrospective is about the process for doing the work. It typically follows a three-question format, and everyone on the team is expected to participate (though they are equally powerful for the solo practitioner). The questions are simple:

- What went well that we should keep doing?
- What didn't go well that we should stop doing?
- What should we try that is different?

The answers to these questions (and the act of addressing them) provide the basis for continuous improvement (a/k/a the Lean concept of Kaizen). By getting into the habit of conducting a periodic retrospective, you and your team are forced to acknowledge both your strengths and your shortcomings. Better yet, it allows you to come up with a plan to capitalize on the former and reduce the latter.

I like to capture the answers to these questions and keep them visible (ideally right next to a kanban board). That way, if a you or someone on your team starts to drift away from an acknowledged good practice, or towards an admitted faulty one, you've got an easy reminder of what the team agreed to.

And the power of these questions isn't limited to self-reflection. I ask them of clients, I ask them of vendors and other partners, and I've even used them with my friends and family to check in from time to time. I encourage you to do the same. Again, even if you're not using Agile (yet), I encourage you to set aside time on your calendar every few weeks to conduct a retrospective, or have one with your team. You'll be amazed at what you can improve when you give yourself permission and space to work on it. It may not be "billable work," but I guarantee it will pay off.

John E. Grant

is an attorney and Agile Certified Scrum Master with a passion for helping lawyers and legal teams improve their practices and have fun doing it.

John has spent most of his career at the intersection of the legal, business, and technology worlds where he has studied established techniques like Lean and Agile that have revolutionized countless industries. John has adapted these techniques for the Legal profession, helping lawyers and their teams get more done in less time, deliver greater client value, and feel more in control of their professional and personal lives. John is the principal of Agile Attorney Consulting, he blogs at LegalValueTheory.com, tweets at [@JEGrant3](https://twitter.com/JEGrant3), and you can reach him by email at John@AgileAttorney.net.

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K. WILLIAM (BILL) GIBSON started practicing injury law in Oregon in 1979. He is well-known locally as a full-time mediator and arbitrator. Unbeknownst to most Oregon attorneys, Bill also has a national reputation for his expertise in law firm management. He is the author of three editions of the best-selling *How to Build and Manage a Personal Injury Practice*, and he served as editor of *Flying Solo: A Survival Guide for Solo and Small Firm Lawyers*, 4th edition. He has written extensively for *Law Practice Magazine* and has won several awards for his columns and feature articles. In 2013, he was awarded the Samuel S. Smith Award by the ABA Law Practice Division in recognition of his lifetime achievement in the field of law practice management.



Increase Profit by Decreasing Costs

American Bar Association > Publications > Law Practice Magazine > 2012 Magazine

Archives > July/August 2012 | THE LAW FIRM PROFITABILITY ISSUE

Increase Profit by Decreasing Costs

Volume 38 Number 4

By K. William Gibson

About the Author

[K. William Gibson](#) is a personal injury lawyer and arbitrator in Clackamas, OR. He is the author of *How to Build and Manage a Personal Injury Practice* and the editor of *Flying Solo: A Survival Guide for the Solo and Small Firm Lawyer*.

IN LARGE LAW FIRMS, the costs of running the office get spread around. But in small offices, those expenses are the responsibility of the lawyer whose name is on the door. If expenses run high, the solo has a bad month.

So how does a solo or small law office cut costs? I would suggest that the best way is to “go virtual” or “almost virtual” by cutting fixed expenses, using the Web to deliver services, outsourcing essential services, working without a full-time staff and even eliminating the traditional office.

All too often, the lawyer in a solo practice, or the handful of lawyers in a small partnership, think they have no control over their overhead expenses, but that is not necessarily true. To really cut the overhead, lawyers will need to rethink everything they do.

RETHINK THE TRADITIONAL OFFICE.

Solos are usually faced with the choice of renting more space than they need or renting an office from another lawyer or firm. Whichever of these options the lawyer chooses, the rent, along with payroll, will be the largest single monthly expense. But, more and more, solos and small firm lawyers are cutting their monthly rental expenses by renting only the space they need in a shared office, sometimes called an “executive suite.”



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In an executive suite, you pay for what you need and can afford, whether a full-time office, a part-time office or just a conference room where you can meet clients.

But what exactly do you get with a shared office arrangement, and how can it help save money each month? Most of the time, your rent includes the office space; reception services, such as telephone answering and greeting clients; high-speed Internet access; and mail handling and coffee service.

With a full-time office, the lawyer can move in with all his or her files, put pictures of the kids on the wall and use it every day.

A part-time office is shared with other people, and you need to leave it empty when your time is up. But it's a great place to meet clients, take depositions or hold arbitration hearings. Also, you will often get a good location and a prestigious address. When you are not in your part-time office, you will likely be working at home or at a coffee shop.

Shared office space is available in every community. It may be a regional or local business, or part of a national organization that has offices in multiple cities. National office-sharing companies include Regus/HQ Global Workplaces and Star Office Space. Regional office-sharing companies include Barrister Executive Suites in California and Premier Business Centers, which operates in five states.

If you have a secretary or legal assistant, it may not make sense to set up shop in a shared office, unless you and your employee share one office. (I have done that before.) By the time you pay for two offices, you will probably find that the cost is beyond what you could get a traditional office for. But if you want to run your practice without any full-time employees, a shared office might well be the ticket.

ELIMINATE FULL-TIME EMPLOYEES.

Having full-time employees means that you not only have to pay the monthly salary for someone to answer your phones, prepare documents, organize your cases and talk with clients, but it also means you have to pay payroll taxes, employee health insurance and worker's compensation insurance. Not only that, but you will likely have to pay a replacement when your employee is on vacation or is home sick. If you provide sick leave and vacation benefits, you may find yourself paying twice.

When you get to where you need to hire someone, consider part-time workers—people who want to work less than full-time—and pay them hourly. You will only need to pay them for the time they spend in the office. If you don't want to require people to punch a

other helpful resources to guide you.

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time clock, don't worry—there's probably an app for that. Having part-time employees gives you more flexibility than having one full-time assistant. One of your employees will usually be able to increase hours to cover for someone who is off.

GO VIRTUAL (OR ALMOST VIRTUAL).

A virtual office does not include a shared office or executive suite, or the delivery of legal services in the traditional way, where clients come into your office and meet with you, writes ABA author Stephanie Kimbro in her 2010 book *Virtual Law Practice: How to Deliver Legal Services Online*. Kimbro says that a virtual practice is one that exists online and serves clients through a secure portal, where the lawyer and client can communicate, share documents and other information, and schedule activities.

A hybrid model seems to make the most sense—one where clients can communicate with you via a secure portal and can also come in for a face-to-face meeting. Lawyers who need a lot of face time with clients, insurance adjusters, doctors and opposing attorneys will likely never be 100 percent virtual. And while tools such as Skype can reduce the number of in-person meetings, they won't eliminate them. Virtual practices are best suited for lawyers with transactional practices, where their work involves a lot of paperwork flowing back and forth between the lawyers and their clients.

SET UP A CLIENT PORTAL.

Setting up a virtual office will require that you invest in a client portal. By doing so, you can then have any number of "virtual" employees working from their homes. Think of all the rent you will save.

Most portals work as a Web-based service and charge you a monthly or annual fee. Client portals allow clients to log in at their convenience and see what work you have done on their case and what events have been scheduled. Some clients will welcome that convenience, while others will feel that it is too much work and will insist on calling you for an update.

Law technology guru Richard Granat, for example, offers a secure portal through his company DirectLaw.

TRY OUTSOURCING SOME OF YOUR WORK.

How do you get by without having any employees, or at least without as many as would be required in a traditional office? One way to eliminate some of your staffing costs is to outsource the low-level work that your highly paid employees currently do. A legal assistant has better things to do than answer the phone, so why not find someone else to do it? Outsourcing telephone

reception is a popular concept right now. Companies such as Ruby Receptionists will take messages from callers or relay information to them if you are not available to take their call. They also will transfer the call to you if you have requested that they do so.

Other telephone reception companies providing “live” telephone answering include Receptionist.org, Yantram and ReceptionHQ.

If having a live receptionist isn’t critical to your practice, there are any number of “virtual receptionists”—available online or with local software—that will answer your phone and offer personalized messaging. There are plenty of options available, but the bottom line is that it is no longer necessary to incur the salary expense of having someone answer your phones and take messages.

In addition to outsourcing telephone- answering services, you can also outsource some of the higher-level duties that your full-time employees currently perform—often to the same companies that offer reception services. Yantram, an Indian company, offers personal assistants to handle everything from Internet research to website maintenance and search engine optimization—all for about half the hourly rate you are probably paying your clerical staff. Search for “virtual legal assistant” and you will find offerings from around the world.

Will all of these suggestions pencil out for you? It’s hard to tell until you know exactly what you need. But one thing is for sure: It is no longer necessary to rent a large office and hire a large staff to run a small law practice.

Using Kanban to Become a More Agile Attorney

Agile » **Attorney**SM

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Goals for this class:

**Discuss the
nature of
efficiency**

**Divulge the
single step to
improved
operations**

**Convince you
to build a
kanban board**

WARNING:

This is not a how-
to class, it is a
why-to class.

To-Do

Doing

Done

**Divulge the
single step to
improved
operations**

**Discuss the
nature of
efficiency**

**Convince you
to build a
kanban board**

**Who wants to make
their practice more
efficient?**

**Efficiency is a
terrible goal.**

It's not about
getting more things
done. It's about
getting the
right things done.

**Customer
Value is THE
ONLY GOAL.**

**(Efficiency is
a desirable
side-effect)**

**Who wants to
deliver outstanding
client value?**

**Do you know what
Value is?**

value

/'vʌlyʊ̄/

noun

1. Benefit – Investment

value

/'vʌlyʊ̄/

noun

1. Benefit –

Time +
Energy +
Effort +
Resources +
Opportunity

value

/'vʌlyoʊ/

noun

1.

Time +
Energy +
Effort +
Resources +
Opportunity

–

Time +
Energy +
Effort +
Resources +
Opportunity

value

/'vʌlyoo/

noun

1.

Time +
Energy +
Effort +
Resources +
Opportunity

Feelings

Time +
Energy +
Effort +
Resources +
Opportunity

value

/'vʌlyʊ̄/

noun

1. Benefit – Investment
2. The satisfaction of a person's values.

**Seek to understand
what your
customers value.**

As a _____, I
need to be able to
_____,
so that I can _____
_____.

As a <user role>, I
need to be able to
<need or outcome>,
so that I can
<goal or objective>.

**Finish the activities
that deliver the
most value.**

It's not about
getting more things
done. It's about
getting the
right things done.

**Finish the activities
that solve your
customer's most
critical user
stories.**

**Reduce or
eliminate activity
that does not add
customer value.**

The Seven Wastes of Lawyers:

1. Overproduction

5. Waiting

2. Defects

6. Pre-Processing

3. Transfer

7. Movement

4. Over Processing

waste

/wāst/

noun

1. A material or activity that does not add customer value.

waste

/wāst/

noun

1. A material or activity that does not add customer value.
2. The absence of customer value.
3. Investment without customer benefit.

efficiency

/i-'fi-shən-sē/

noun

1. An ability to deliver value with only the necessary time, energy, effort, and resources.
2. The absence of waste.

To-Do

Doing

Done

**Divulge the
single step to
improved
operations**

**Convince you
to build a
kanban board**

**Discuss the
nature of
efficiency**

To-Do

Doing

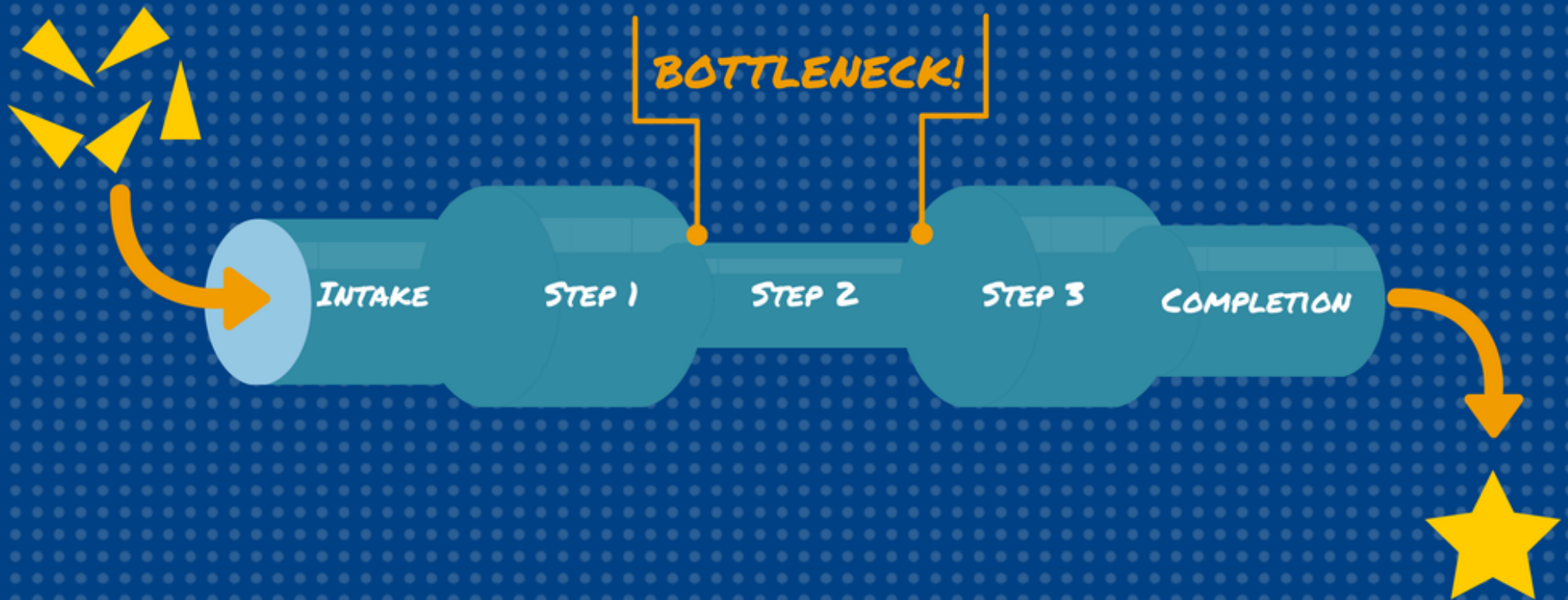
Done

**Convince you
to build a
kanban board**

**Divulge the
single step to
improved
operations**

**Discuss the
nature of
efficiency**

The Theory of Constraints



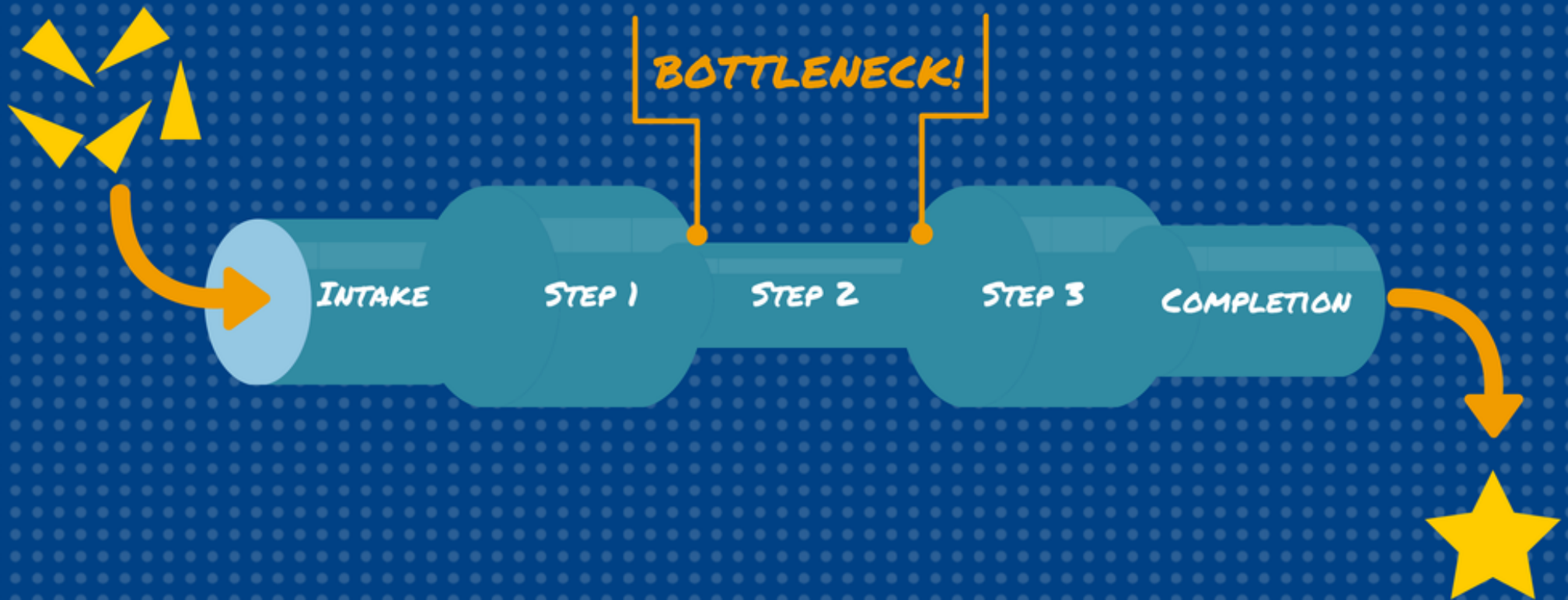
In any system, there is only one* constraint that limits the flow of the entire system.

*Occasionally, but rarely, there are two.

Any changes made to improve flow at the constraint will improve the flow of the entire system.

Any changes made to improve the flow at a part of the workflow that is not the constraint cannot improve the overall system.

The Theory of Constraints



waste

/wāst/

noun

1. A material or activity that does not add customer value.
2. The absence of customer value.
3. Investment without customer benefit.

The Seven Wastes of Lawyers:

1. Overproduction

5. Waiting

2. Defects

6. Pre-Processing

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**(Localized)
Efficiency is a
terrible goal.**

**System-wide
flow is THE
ONLY GOAL.**

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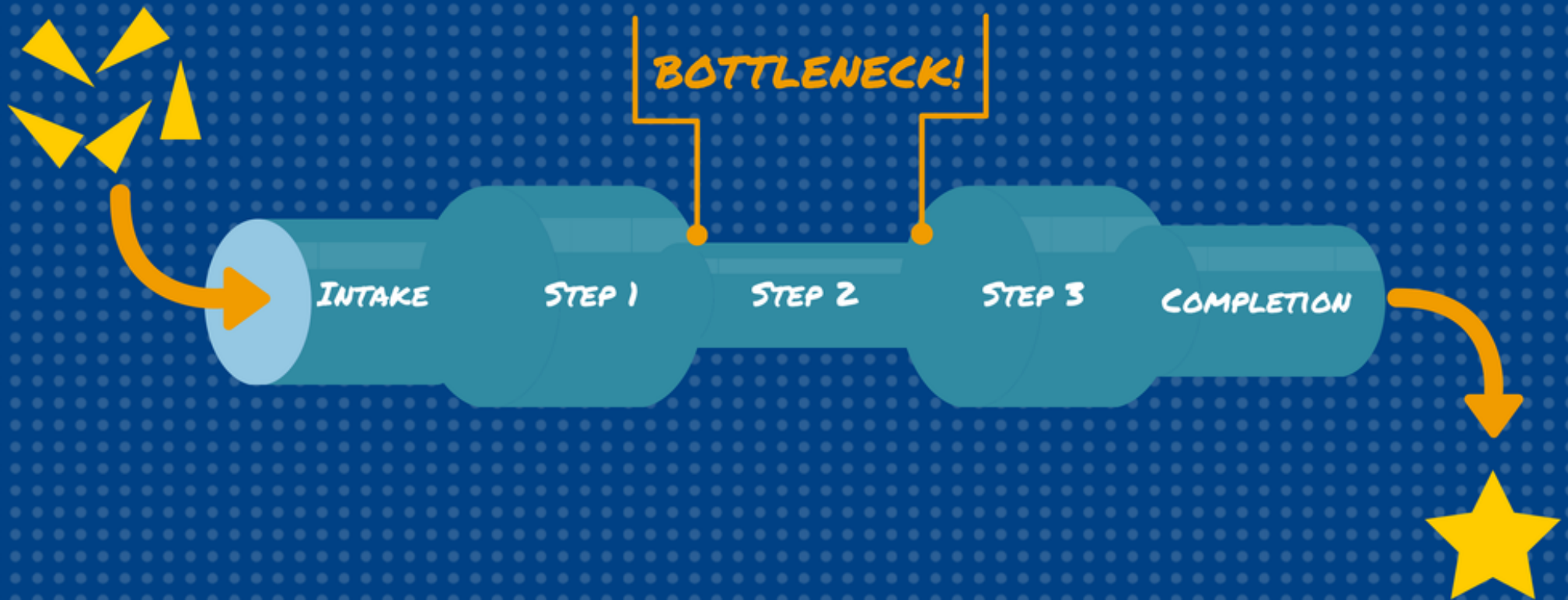
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By Lisa Needham

37 comments

Top Ten Innovations to Improve Enterprise-Wide Contract Management

The Theory of Constraints



**“I was rejuvenated
by reinventing my
law practice
model.”**

—Jennifer Willner

Project: _____

Designed by: _____

Date: / /

Version #: _____

Problem

Top 3 problems

Solution

Top 3 features

Unique Value Proposition

Single, clear, compelling message that states why you are different and worth buying

Unfair Advantage

Can't be easily copied or bought

Customer Segments

Target Customers

1

4

3

5

2

Key Metrics

Key activities you measure

Channels

Path to customers

8

9

Cost Structure

*Customer Acquisition Costs
Distributing Costs
Hosting
People, etc.*

7

Revenue Streams

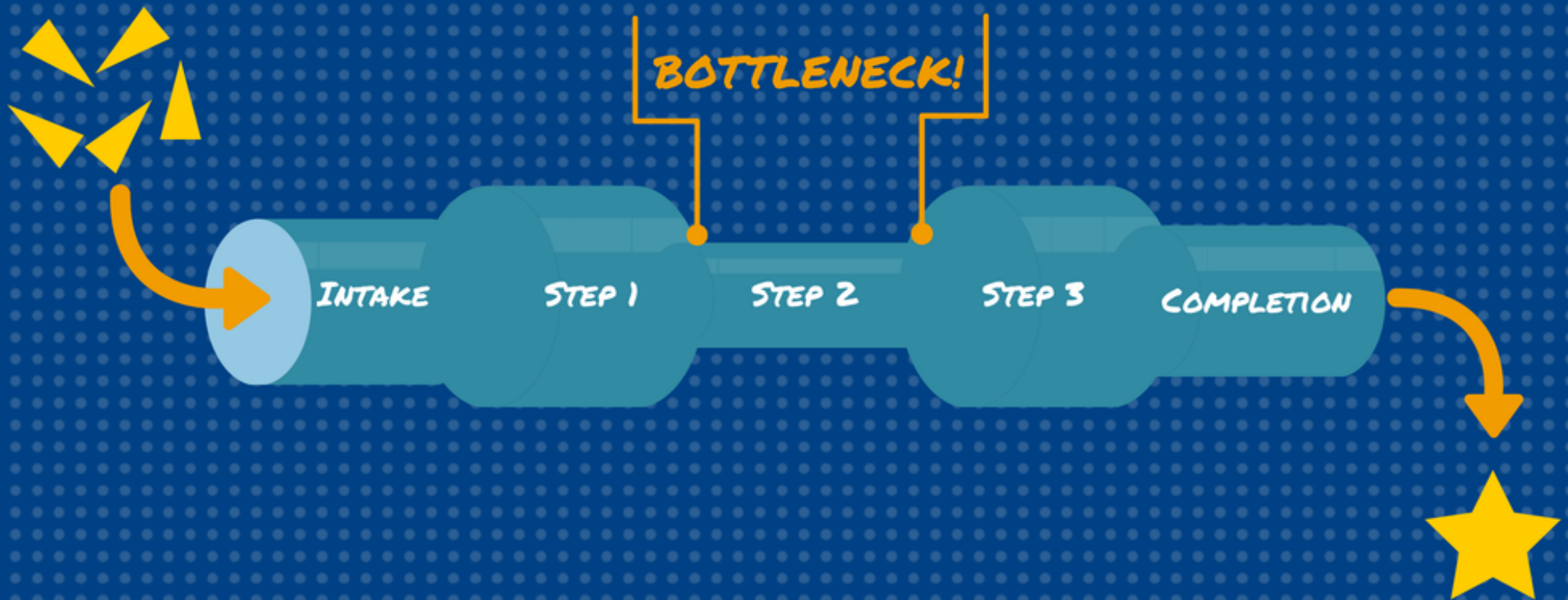
*Revenue Model
Lifetime Value
Revenue
Gross Margin*

6

~~“Google Voice /
paperless
[EVERYTHING] is
worth experimenting
with.”~~

—Jennifer Willner

The Theory of Constraints



**“I want the
tour.”**

—Jennifer Willner

Genchi Genbutsu

1. Go and see it.
2. The Lean / Toyota Production System concept that in order to truly understand a situation, one needs to go to gembu (現場) or, the 'real place' - where work is done.

To-Do

Doing

Done

**Convince you
to build a
kanban board**

**Divulge the
single step to
improved
operations**

**Discuss the
nature of
efficiency**

To-Do

Doing

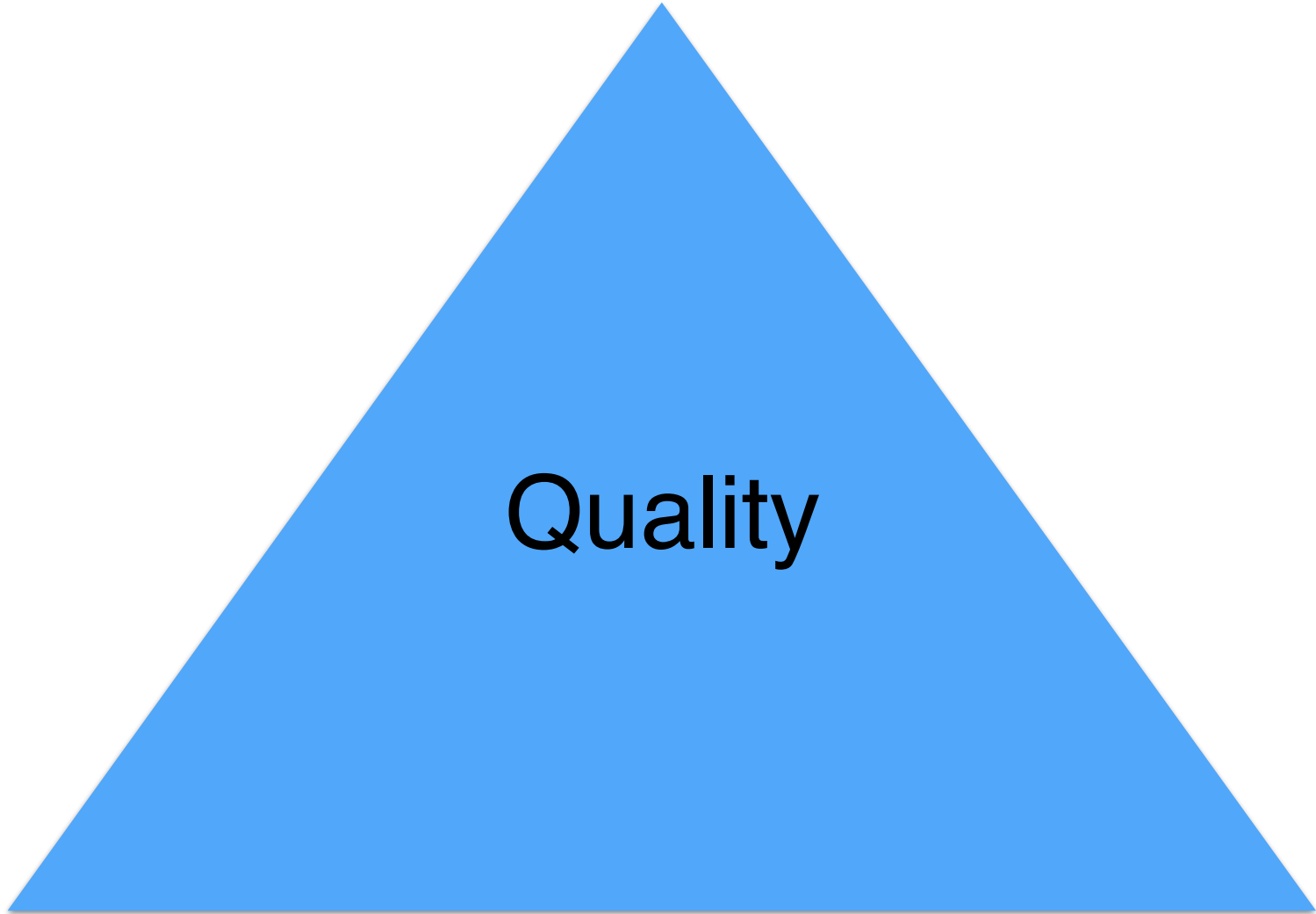
Done

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efficiency**

Time

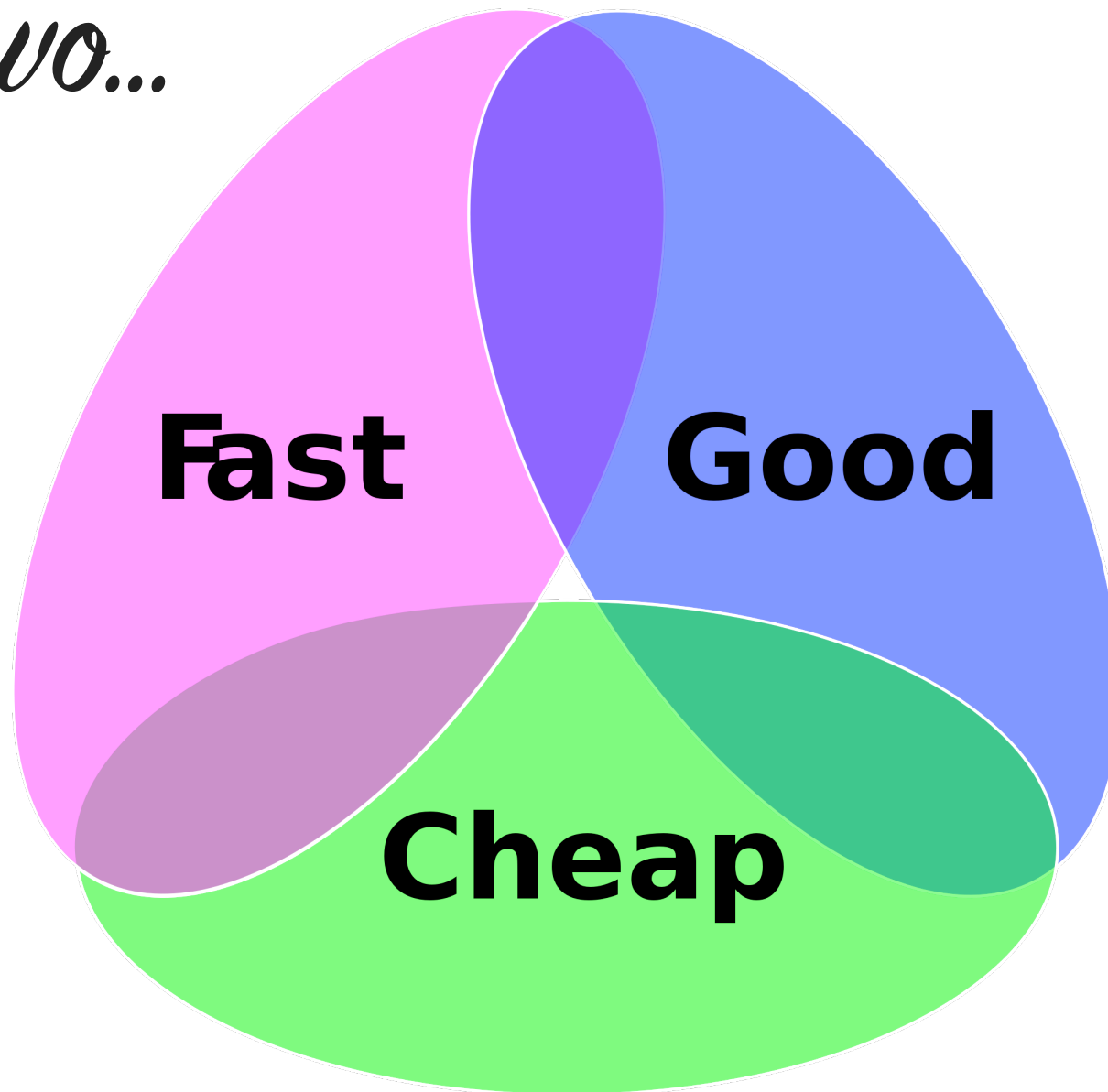


Quality

Scope

Cost

Pick two...





WIKIPEDIA
The Free Encyclopedia

- Main page
- Contents
- Featured content
- Current events
- Random article
- Donate to Wikipedia
- Wikimedia Shop

- Interaction
- Help
 - About Wikipedia
 - Community portal
 - Recent changes
 - Contact page

- Tools
- What links here
 - Related changes
 - Upload file
 - Special pages
 - Permanent link
 - Page information
 - Wikidata item
 - Cite this page

- Print/export
- Create a book
 - Download as PDF
 - Printable version

- Languages
- العربية
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Project charter

From Wikipedia, the free encyclopedia

In [project management](#), a **project charter**, **project definition**, or **project statement** is a statement of the scope, objectives, and participants in a project. It provides a preliminary delineation of roles and responsibilities, outlines the project objectives, identifies the main stakeholders, and defines the authority of the project manager. It serves as a reference of authority for the future of the project. The terms of reference are usually part of the project charter.

The project charter is usually a short document that refers to more detailed documents such as a [new offering request](#) or a [request for proposal](#).

In [Initiative for Policy Dialogue](#) (IPD), this document is known as the project charter. In [customer relationship management](#) (CRM), it is known as the project definition report. Both IPD and CRM require this document as part of the project management process.

The project charter establishes the authority assigned to the project manager, especially in a [matrix management environment](#). It is considered industry best practice.

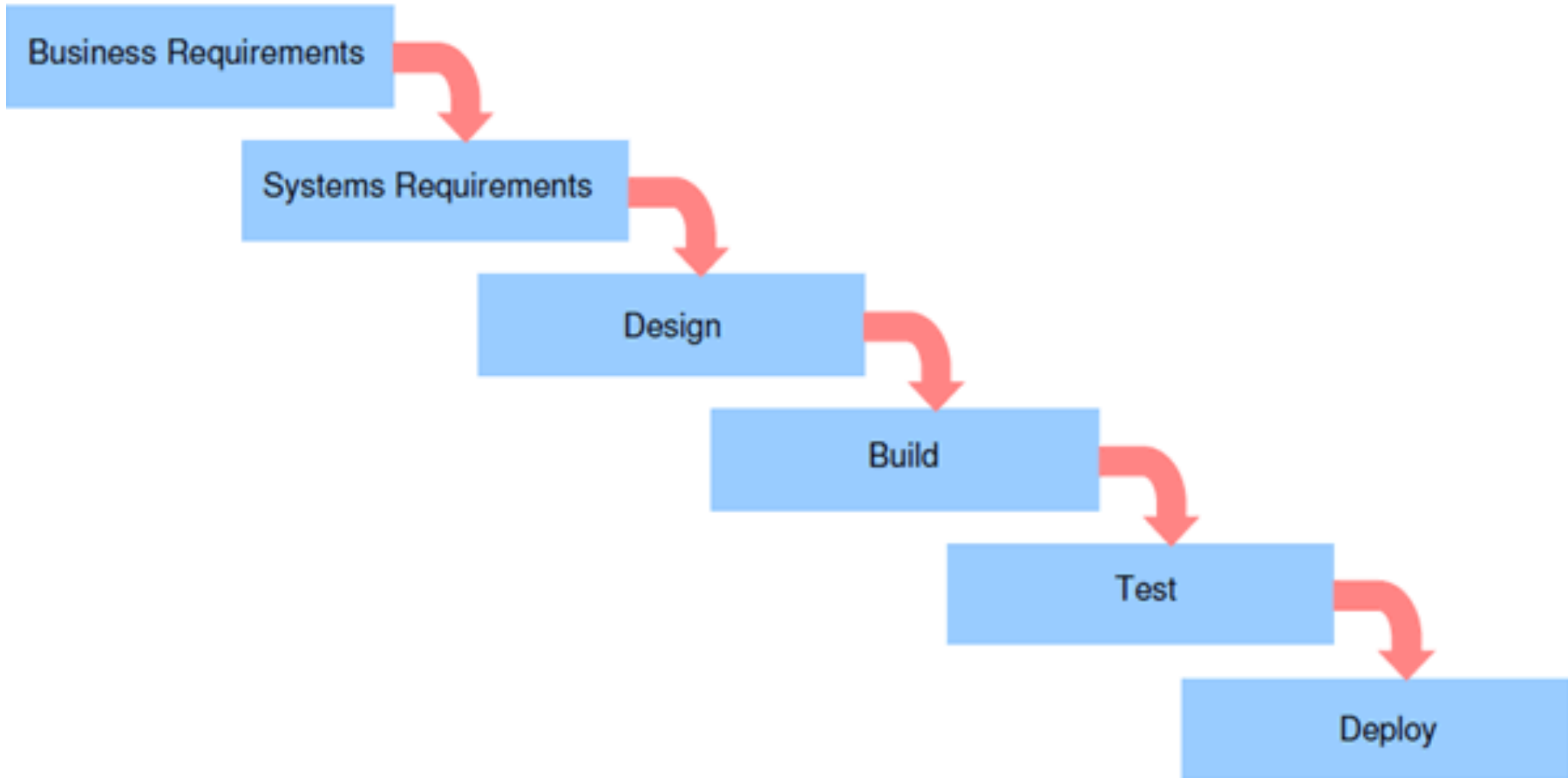
The purpose of the project charter is to document:

- Reasons for undertaking the project
- Objectives and constraints of the project
- Directions concerning the solution
- Identities of the main stakeholders
- In-scope and out-of-scope items
- High level risk management plan
- Communication plan
- Target project benefits
- High level budget and spending authority

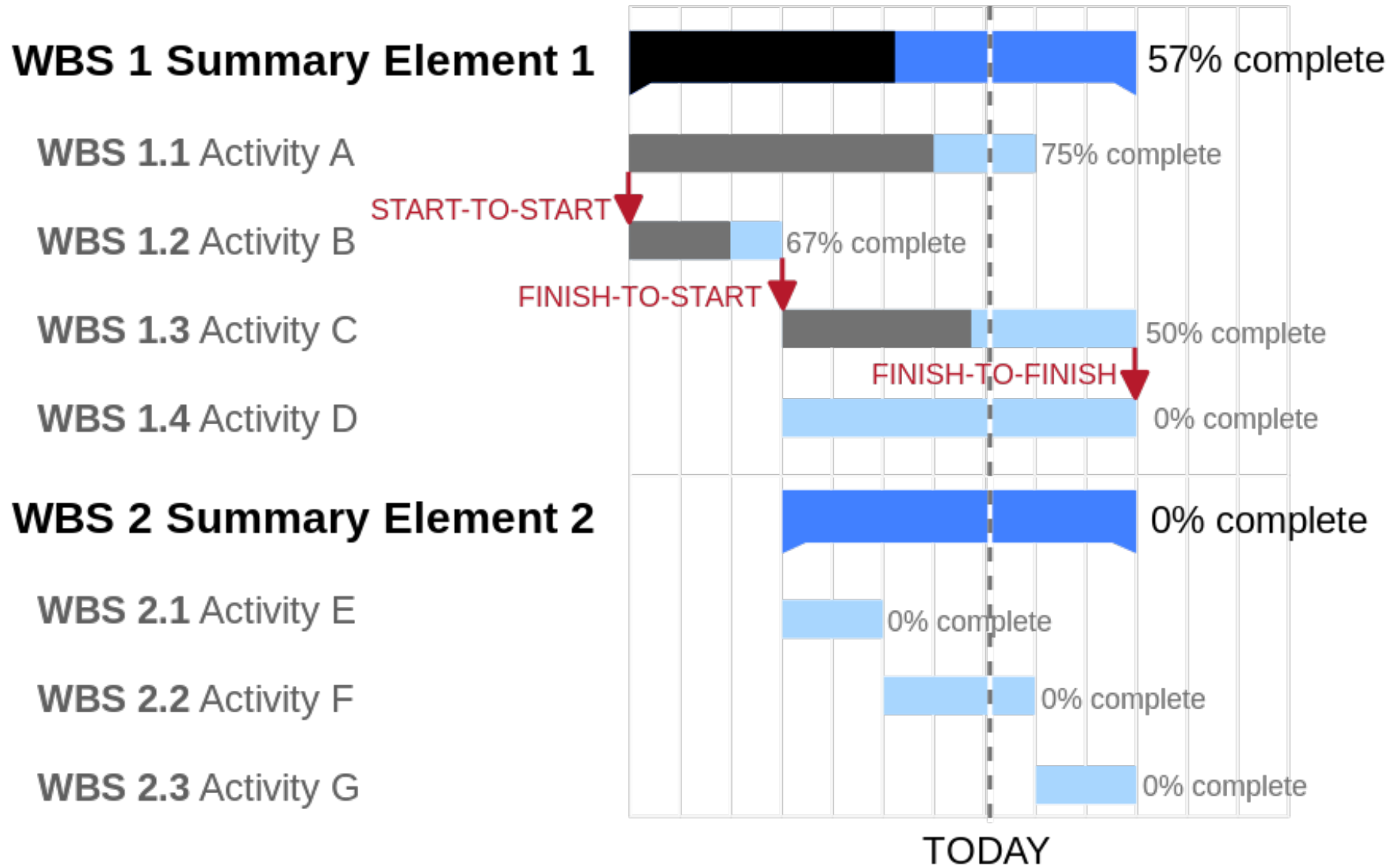
The three main uses of the project charter are:

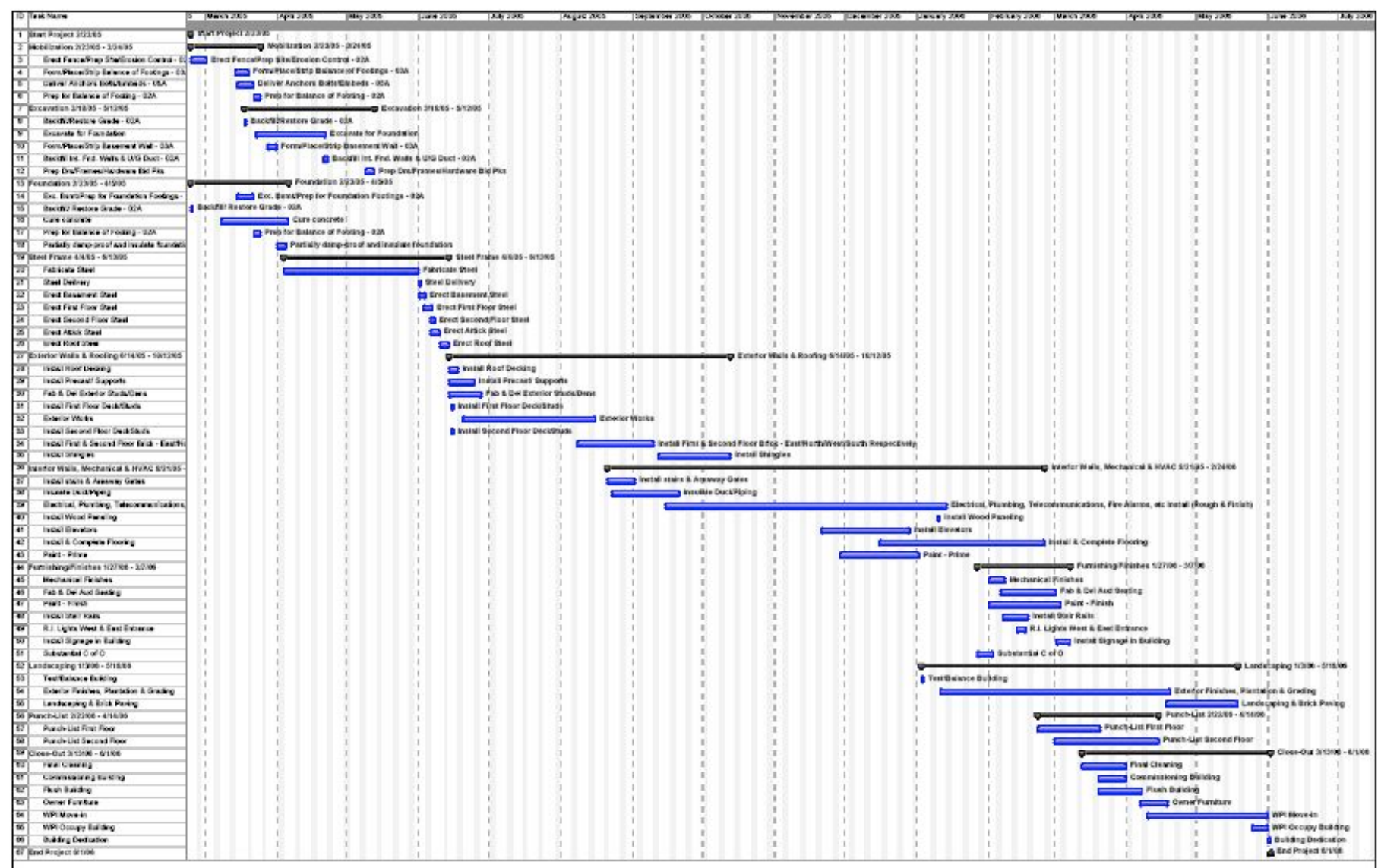
- To authorize the project - using a comparable format, projects can be ranked and authorized by [Return on Investment](#).
- Serves as the primary sales document for the project - ranking [stakeholders](#) have a 1-2 page summary to distribute, present, and keep handy for fending off other project or operations runs at project resources.
- Serves as a focal point throughout the project. For example, it is a baseline that can be used in team meetings and in [change control](#) meetings to assist with scope management.

Project Phases



WEEKS: 1 2 3 4 5 6 7 8 9 10 21 22 23



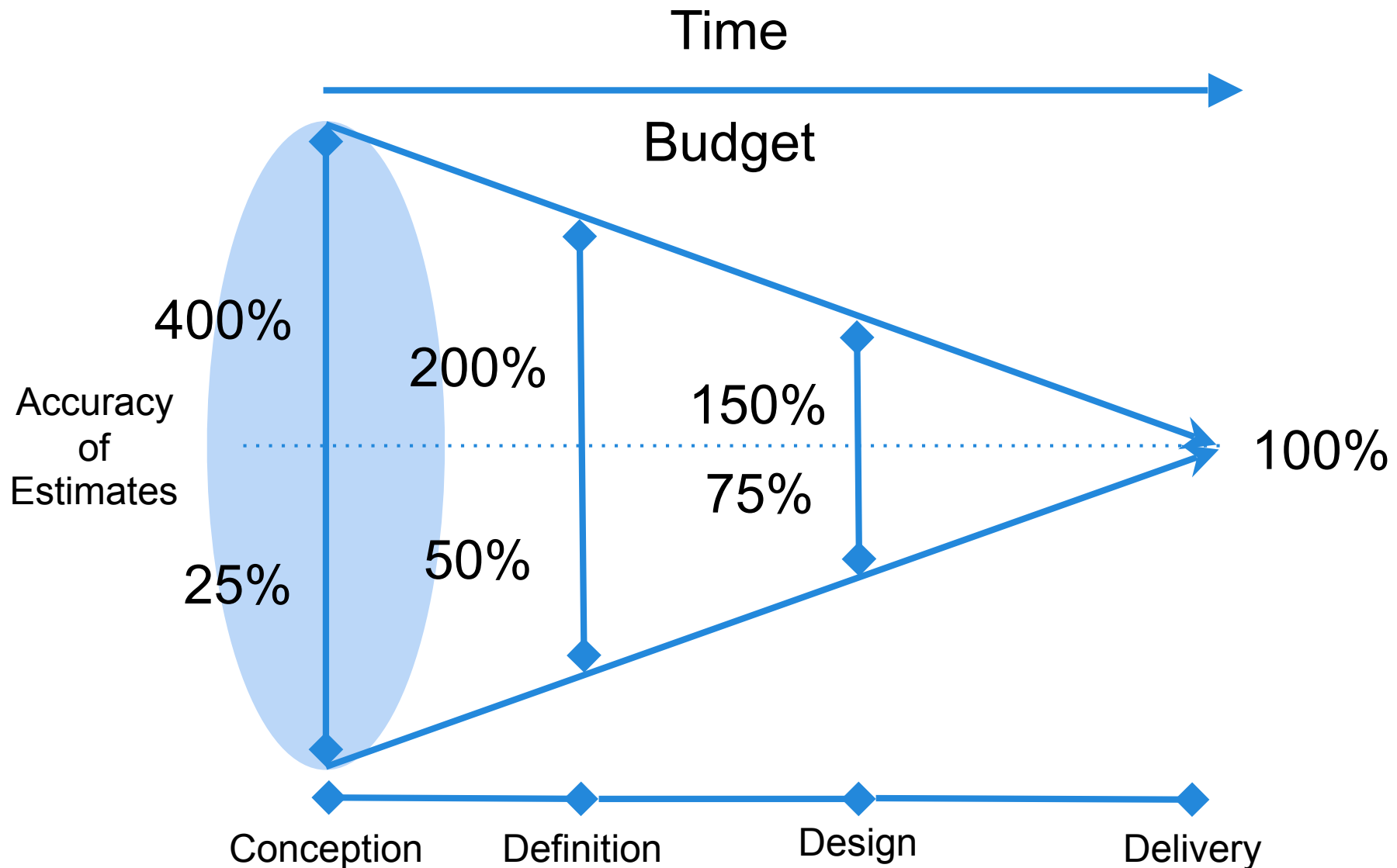


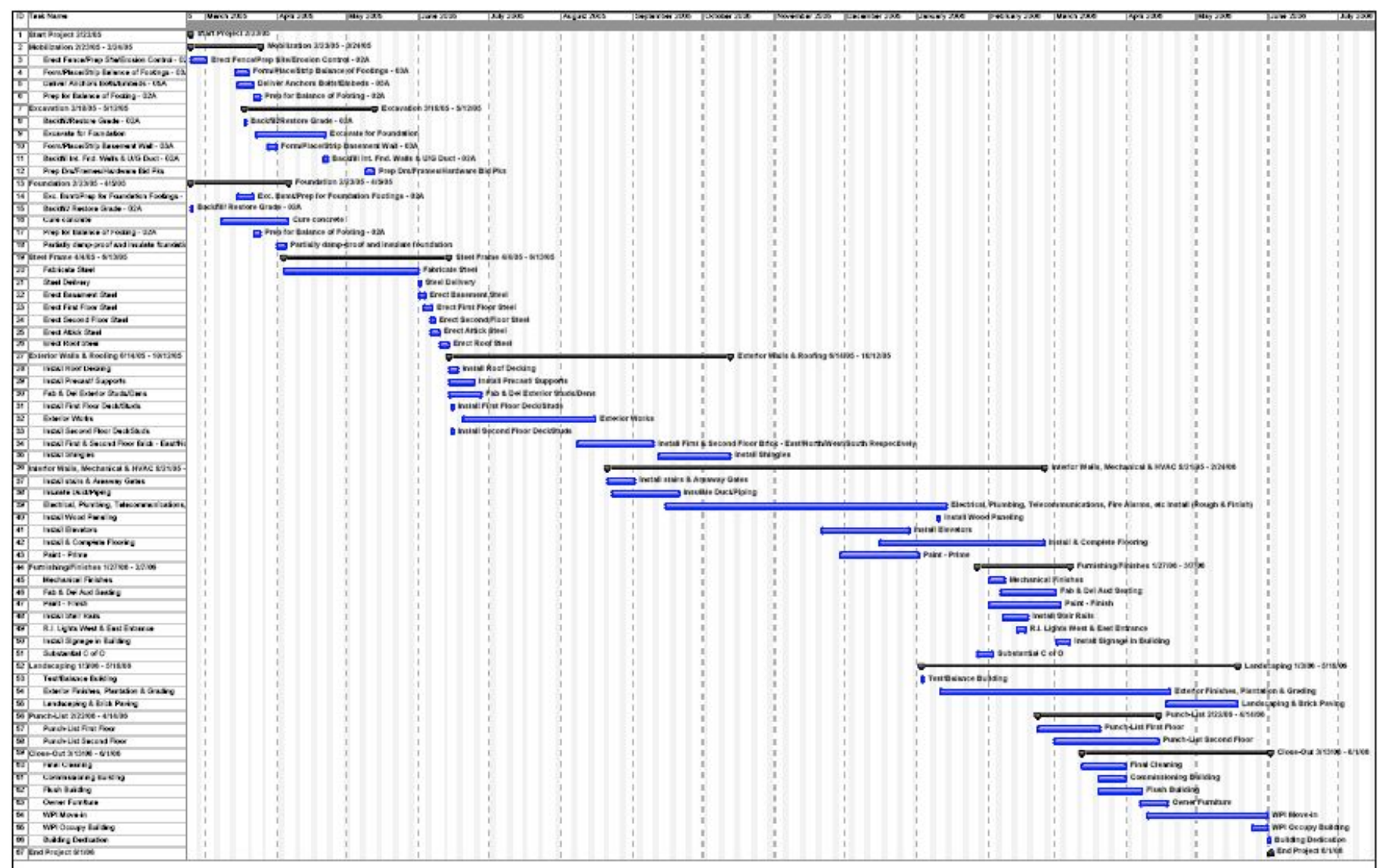
Planning

=

Guessing

Cone of Uncertainty (fixed scope)

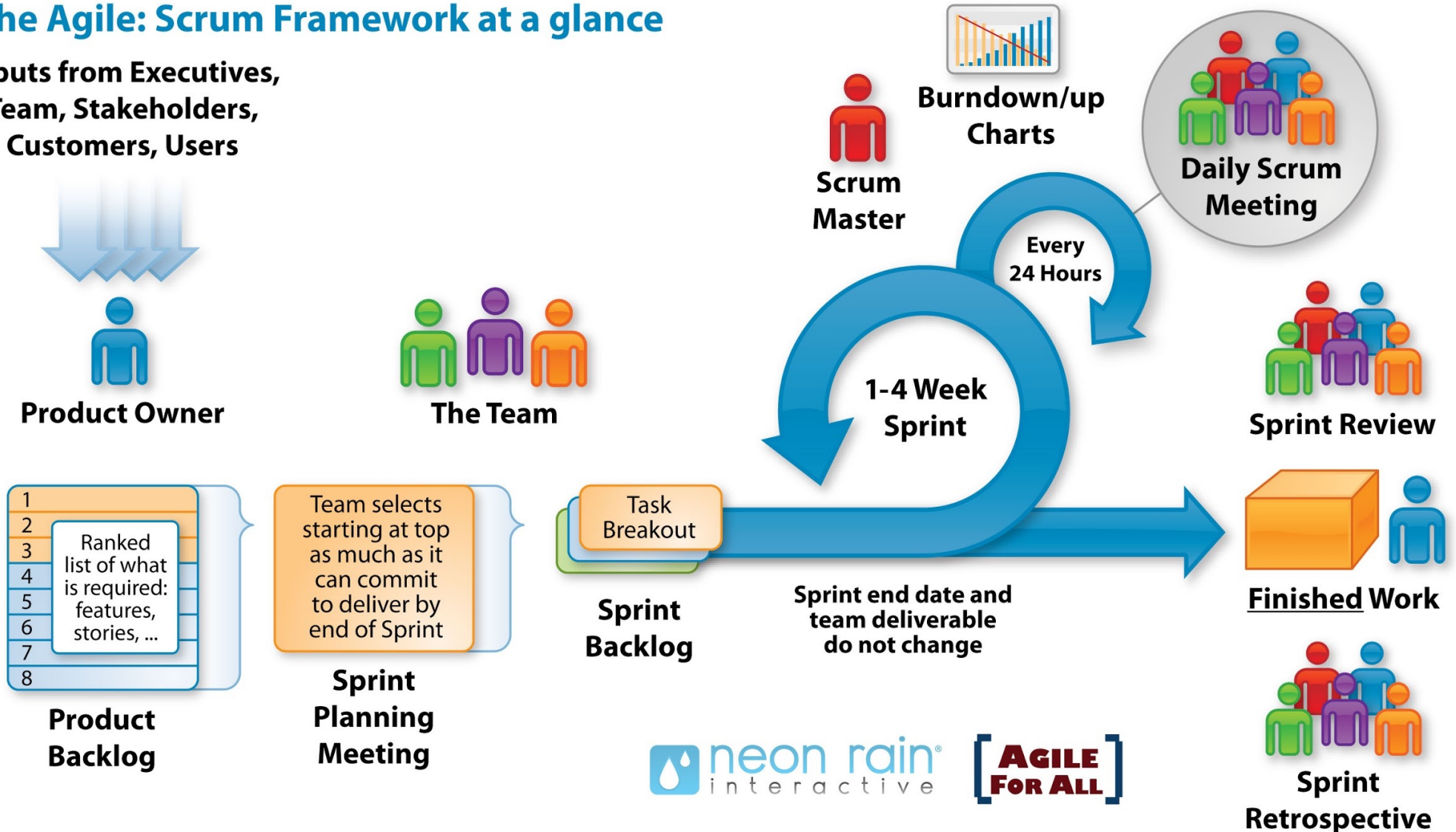




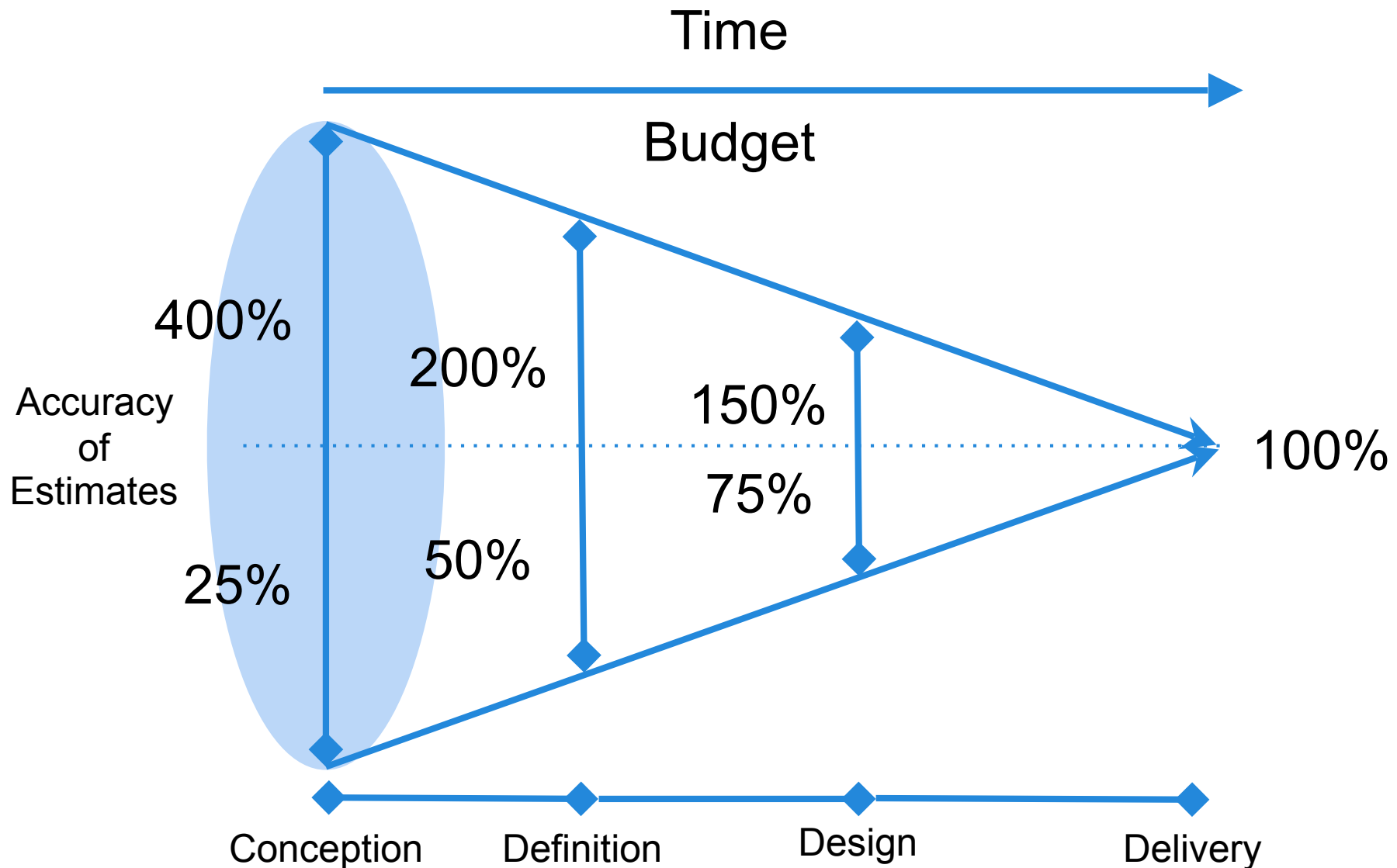
Agile Project Phases (Scrum)

The Agile: Scrum Framework at a glance

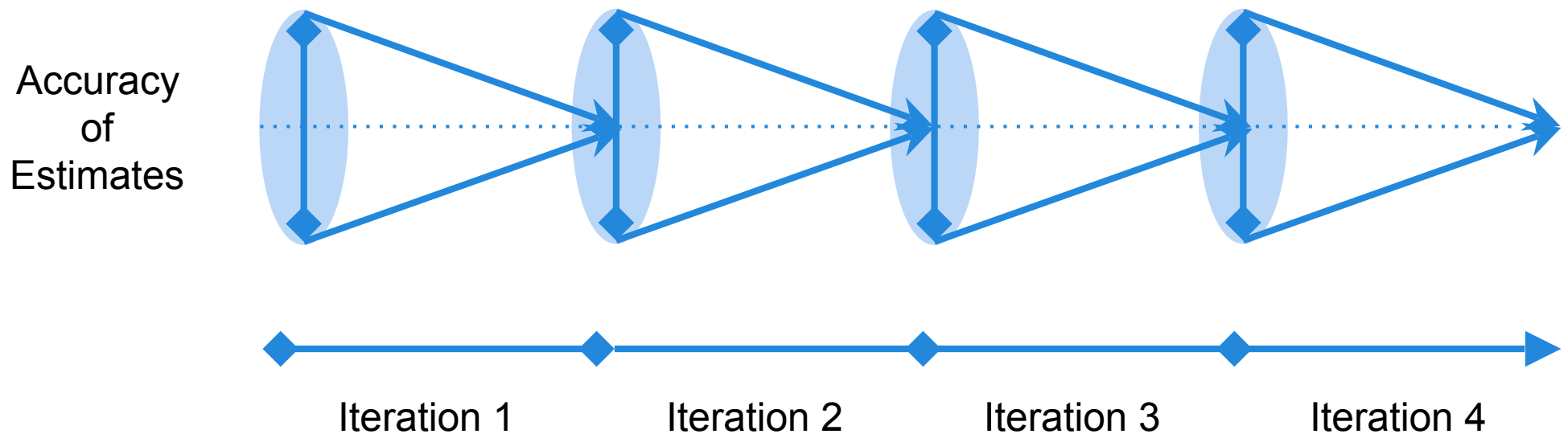
Inputs from Executives,
Team, Stakeholders,
Customers, Users



Cone of Uncertainty (fixed scope)



Cone of Uncertainty (Agile)





**Project
Management**

**Process
Improvement**

To-Do

Doing

Done

**Convince you
to build a
kanban board**

**Divulge the
single step to
improved
operations**

**Discuss the
nature of
efficiency**

Backlog

Queue

To-Do

Doing

Waiting

Done!

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Backlog

Queue

To-Do

Doing

Waiting

Done!

(Brain-Dump)

(This Week)

(Today)

Max = ?

On What?
Since when?

(Done done!)

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To-Do

Doing

Waiting

Done!

(Brain-Dump)

(This Week)

(Today)

Max = ?

On What?
Since when?

(Done done!)

Reminder to
use scotch
tape w/
stickies

Discuss
expanding
the "doing"
column

Personal
Kanban vs
Workflow
Kanban

Convince you
to build a
kanban board

Divulge the
single step to
improved
operations

Tracking cycle
time & other
metrics

Introduce
WIP limits

Physical
Boards vs
Software
Tools

Discuss the
nature of
efficiency

Tracking cycle
time & other
metrics

Mention color
as a visual
indicator

POTENTIAL CLIENTS
~~BRAINDUMP~~

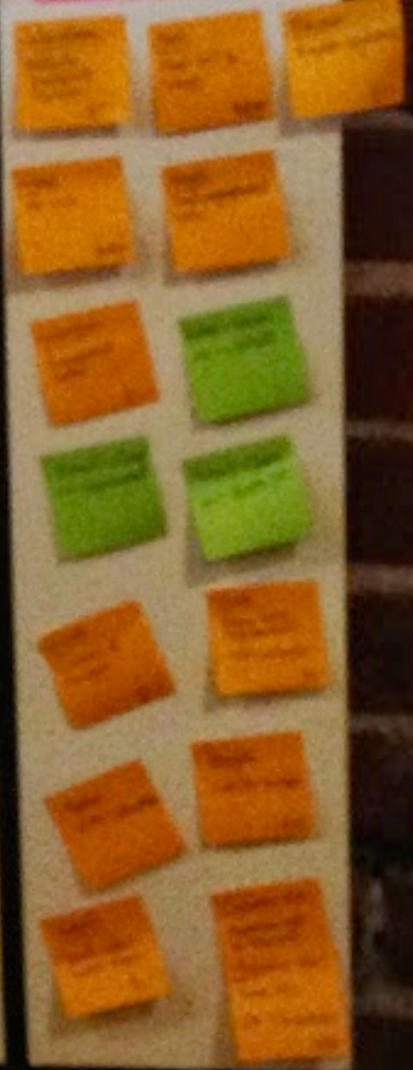
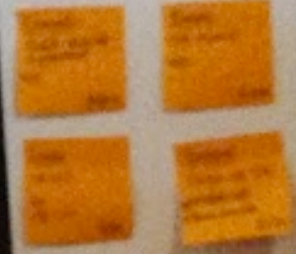
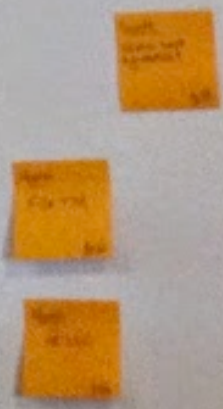
QUEUE
(waiting on X)
to be ready)

To Do
THIS WEEK
(Ready for WORK)

DOING (1)

WAITING
(ON WHO/WHAT)
SINCE WHEN?)

DONE





Greg McLawsen @mclawsen · Oct 16

One short chat w @JEGrant3 and my law firm starts to look like this. #agileattorney
#SWlegal pic.twitter.com/S5sVJ98Inp

← ↻ 1 ★ 2 ⋮

Backlog

Queue

To-Do

Doing

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Mention color
as a visual
indicator

Doing

Intake

Gather

Research

Drafting

Review

Signing

Taylor

Jackson

Madison

Monroe

Jefferson

Washington

Van Buren

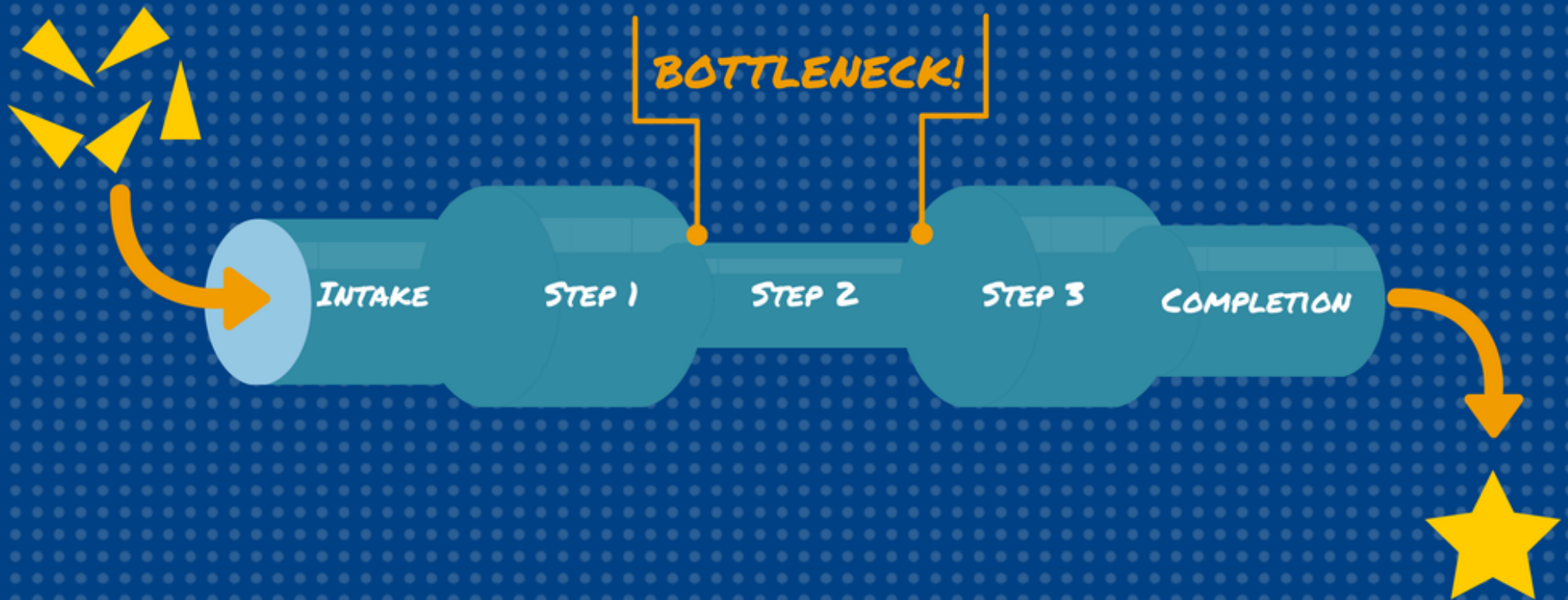
J.Q. Adams

J. Adams

Tyler

Polk

The Theory of Constraints



Doing

Intake

Gather

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Drafting

Review

Signing

Taylor

Jackson

Madison

Monroe

Jefferson

Washington

Van Buren

J.Q. Adams

J. Adams

Tyler

Polk

INTAKE

Level: \$2000

Level: \$3000

P. PLAN REV.

M

A

INITIAL PLING TEMP ORDERS

Level: \$4500

Level: \$2000

Level: \$4300

Level: \$3000

Level: \$3000

Level: \$1200

Level: \$1400

Level: \$1200

Level: \$1000

Level: \$700

Level: \$800

A

Level: \$1400

Level: \$2000

Level: \$1400

MB

MB

A K J J A A
M B J J J J

Level: \$2000

Level: \$5000

Level: \$2000

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Level: \$1000

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Five Steps of Kanban

1. Visualize your current workflow.
2. Apply Work-in-Process (WIP) limits.
3. Make policies explicit.
4. Manage and measure flow.
5. Optimize iteratively with data.

Want to learn more?

Kanban for Lawyers Book:

<https://leanpub.com/kanbanforlawyers>

Legal Value Theory Blog & Newsletter:

<http://agileattorney.net/blog/>

Clio E-Book: [A Lean Legal Guide](#):

[Techniques for the Agile Lawyer](#)

Schedule a call with me:

<https://www.sohelpful.me/johngrant>

Kanban Basics for Lawyers



John E. Grant, J.D., CSM
www.agileattorney.net
blog: legalvaluetheory.com



john@agileattorney.net



[@JEGrant3](https://twitter.com/JEGrant3)

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Cutting Costs/Spending Wisely

Cutting Costs/Spending Wisely

- **Pay attention to business**

Cutting Costs/Spending Wisely

- **Most solo/small firm lawyers don't pay attention to business**

Cutting Costs/Spending Wisely

- **Servicing clients and new client development are given higher priorities than managing expenses.**

Cutting Costs/Spending Wisely

- **Many solos never generate financial reports such as income statements vs. cash flow statements.**

Cutting Costs/Spending Wisely

- Reports provide early detection of potential cash problems.

Cutting Costs/Spending Wisely

- Develop monthly, quarterly, and annual cash flow projections as well as income and expense projections.

Cutting Costs/Spending Wisely

Common Problems

- **Poorly Managed Accounts Receivables**
- **Too much spending on client advances**

Cutting Costs/Spending Wisely

- **For most firms increasing revenues is the most effective way of impacting the bottom line.**
- **But...**

Cutting Costs/Spending Wisely

- **Expenses and overhead need to be controlled**

Cutting Costs/Spending Wisely

- **Identify areas where potential savings exist.**

Cutting Costs/Spending Wisely

- **Don't cut muscle along with the fat or your revenue will suffer.**

Cutting Costs/Spending Wisely

- **Cut staff**
- **Use creative staffing strategies**
- **Outsource: Use Virtual Assistants**

Cutting Costs/Spending Wisely

- **Implement creative compensation strategies**

Cutting Costs/Spending Wisely

- **Re-evaluate your office situation.**
- **Decide if you need an office at all.**
- **Get rid of the traditional office.**

Cutting Costs/Spending Wisely

- **Consider subleasing**
- **Move your office closer to where your clients live**

Cutting Costs/Spending Wisely

- **Re-evaluate technology costs.**
- **Don't pay expensive web hosting fees**
- **Don't pay expensive web design fees.**

Cutting Costs/Spending Wisely

- **Re-evaluate technology costs.**
- **Don't pay expensive web hosting fees**
- **Don't pay expensive web design fees.**

Cutting Costs/Spending Wisely

- Case Management Software
- Time & Billing Software
- Quit dictating

And, finally, don't waste money on beer and wine when you can get it free of charge.



Please grab a drink and return for our last presentation. The official social hour will start after the last presentation, so please be back in your seats soon. Special thanks to:



THOMSON REUTERS™

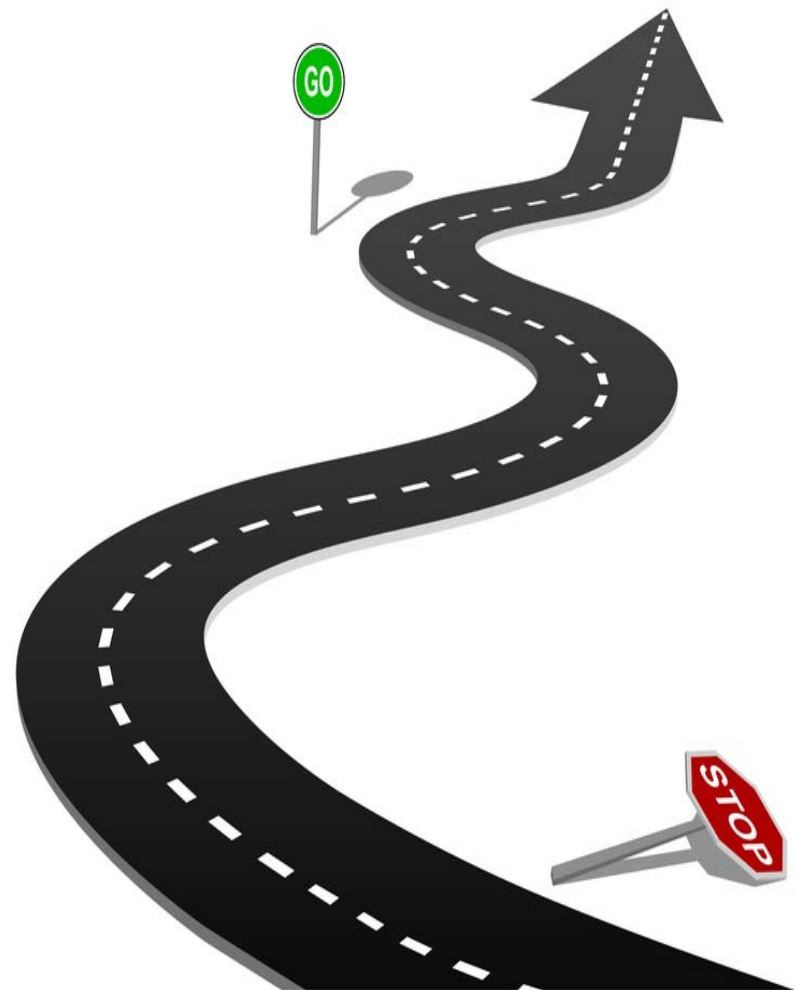
Safeguarding Client Information in a Digital World

Helen Hirschbiel
OSB General Counsel

Oregon State Bar

Roadmap

- Risks of new technology
- Duty of confidentiality
- To whom do we owe duty
- Safeguarding information



Risks of New Technology

- Diminished control over nature and amount of information received
- Greater opportunity for unauthorized access
- Increased opportunity for inadvertent disclosure
- Existence of metadata



Keep Client Confidences



Confidentiality

A lawyer shall not reveal information relating to the representation of a client unless the client gives informed consent, the disclosure is impliedly authorized in order to carry out the representation or the disclosure is permitted by paragraph (b).

RPC 1.6(a)

Information Relating to Representation

- Attorney-client privileged communications
- Information gained during the representation that:
 - Client has asked you to keep secret
 - Disclosure would be embarrassing to the client
 - Disclosure would be likely to be detrimental to the client

RPC 1.0(f)

To Whom Do You Owe Duty?

Clients

Prospective Clients

Prospective Client

A person who consults with a lawyer about the possibility of forming a client-lawyer relationship with respect to a matter is a prospective client.

RPC 1.18(a)

Accidental Prospective Client

Prospective client exists when a lawyer:

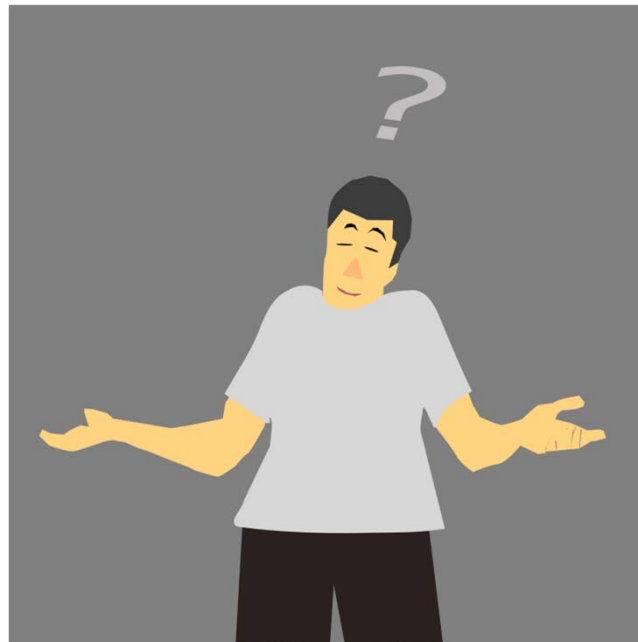
- Makes a specific request or invitation to submit information about a potential representation
- Without clear and reasonably understandable warnings and cautionary statements that limit the lawyer's obligations.

*ABA Model Rule 1.18 Comment [2]
ABA Formal Ethics Op No 10-457 (2010)*

No Prospective Client

- Unilateral, uninvited communications, without any other reasonable basis to expect that lawyer is willing to discuss possibility of forming lawyer-client relationship.
- One who communicates with lawyer for the purpose of disqualifying lawyer, not for purpose of forming lawyer-client relationship

Why Does It Matter?



Duty of Confidentiality

Even when no client-lawyer relationship ensues, a lawyer who has learned information from a prospective client shall not use or reveal that information, except as Rule 1.9 would permit with respect to information of a former client.

RPC 1.18(b)

Duty of Loyalty

Lawyer “shall not represent a client with interests materially adverse to those of a prospective client in the same or a substantially related matter if the lawyer received information that could be significantly harmful to that person in the matter, except as provided in paragraph (d).”

RPC 1.18(c)

The paragraph (d) exception

Firm may represent the client if:

1) Informed consent given by PC

OR

2) Lawyer who received the disqualifying information took reasonable measures to avoid exposure to more information than was reasonably necessary

AND

a) disqualified lawyer is screened

b) written notice is promptly given to PC

Disclaimer Tips

- Clear
 - Use simple, concise language that can be easily understood
- Conspicuous
 - Placement matters
 - Size matters
- Not misleading
 - No mixed messages
- Frequent
 - Once may not be enough

The Accidental Client

If a lawyer acts in a way that leads a person to reasonably believe that a lawyer-client relationship exists between them, and the person relies on this conduct, then the lawyer will likely have created a lawyer-client relationship, even though there is no express agreement or mutual consent.

In re Weidner, 310 Or 757, 770 (1990)

Reasonable Expectations Test

Lawyer-client relationship exists when:

- client's **subjective belief** that relationship exists
is supported by
- **objective facts** upon which a reasonable person would rely.

Response Tips

- Do respond.
 - No representation
 - No confidentiality as to future emails
- Do not give legal advice.
 - Resist temptation to answer any Qs.

Safeguarding Information



Safeguarding Information

Lawyers must “act competently to safeguard information relating to the representation of a client against unauthorized access by third parties and against inadvertent or unauthorized disclosure....”

ABA Model Rule 1.6 Comment [18]

Safeguarding Information

A lawyer shall make reasonable efforts to prevent the inadvertent or unauthorized disclosure of, or unauthorized access to, information relating to the representation of a client.

Oregon RPC 1.6(c)

Safeguarding Information: Electronic Communications

Lawyers using electronic communication must “maintain at least a basic understanding of the technology and the risks of revealing metadata or to obtain and utilize adequate technology support.”

OSB Formal Ethics Op No 2011-187

Safeguarding Information: Electronic Communications

“Reasonable care” in connection with e-mail includes “taking steps to prevent the inadvertent disclosure of metadata, to limit the nature and scope of the metadata revealed, and to control to whom the document is sent.”

OSB Formal Ethics Op No 2011-187

Electronic Communication: Dangers

- Unauthorized Interception
 - Hackers
- Inadvertent Disclosure
 - "Reply All"
 - Metadata
- Source of viruses/spyware
 - Links/Attachments
 - May allow 3rd parties to view your files

Protection Against Third Party Interception

- Consider encryption
- Be wary of emails from strangers
- Firewall
- Virus/spyware protection
- Strong passwords

Protection Against Inadvertent Disclosure

- Understand metadata
 - **Print to PDF**
- Think before you “send”
 - **Be mindful of using “reply all”**
- Use caution when participating in listservs, chatrooms, social media
- Warn client of risks

Receipt of Metadata

“If receiving lawyer knows or reasonably should know that metadata was inadvertently included in the document, Oregon RPC 4.4(b) requires only notice to the sender; it does not require the receiving lawyer to return the document unread or to comply with a request by the sender to return the document.”

OSB Formal Ethics Op No 2011-187

Receipt of Metadata

“Searching for metadata using special software when it is apparent that the sender has made reasonable efforts to remove the metadata may be analogous to surreptitiously entering the other lawyer’s office to obtain client information and may constitute ‘conduct involving dishonesty, fraud, deceit or misrepresentation’ in violation of Oregon RPC 8.4(a)(3).”

Safeguarding Information: Electronic Storage

Lawyer “must take reasonable steps to ensure that the storage company will reliably secure client data and keep information confidential.”

OSB Formal Op No 2011-188

Electronic Storage: Dangers

- Unauthorized access
 - Hackers
- Unauthorized use by those with access
 - Third party use
- Loss of electronic files
 - Viruses, worms, etc.

Protections:

3rd Party Storage Agreements

- Vendor meets industry standards relating to security and confidentiality
- Vendor required to preserve confidentiality and security of materials
- Notification of lawyer when unauthorized third-party access
- Back-up
- Periodically re-evaluate

Protections: Electronic Storage

- Backup
 - Reliable, frequent
 - Options?
- Scrubbing on Disposal
 - Copy Machines
 - Hard Drives
- Passwords
 - Strong
 - Change

Computer Security

- Firewall
- Virus Protection
- Plug the Holes
 - Operating system
 - Software
- Passwords
- Malware/Spyware Protection

Return of Client Files

- RPC 1.15-1(d)—promptly return property that client is entitled to receive
- OSB Formal Op No 2005-125—client entitled to receive one complete file
 - **File includes:**
 - Client originals
 - Everything that was generated during representation
 - Electronic documents?



50 Shades of Green

Building a Profitable Solo or Small Firm Practice

Services & Resources for Oregon Lawyers

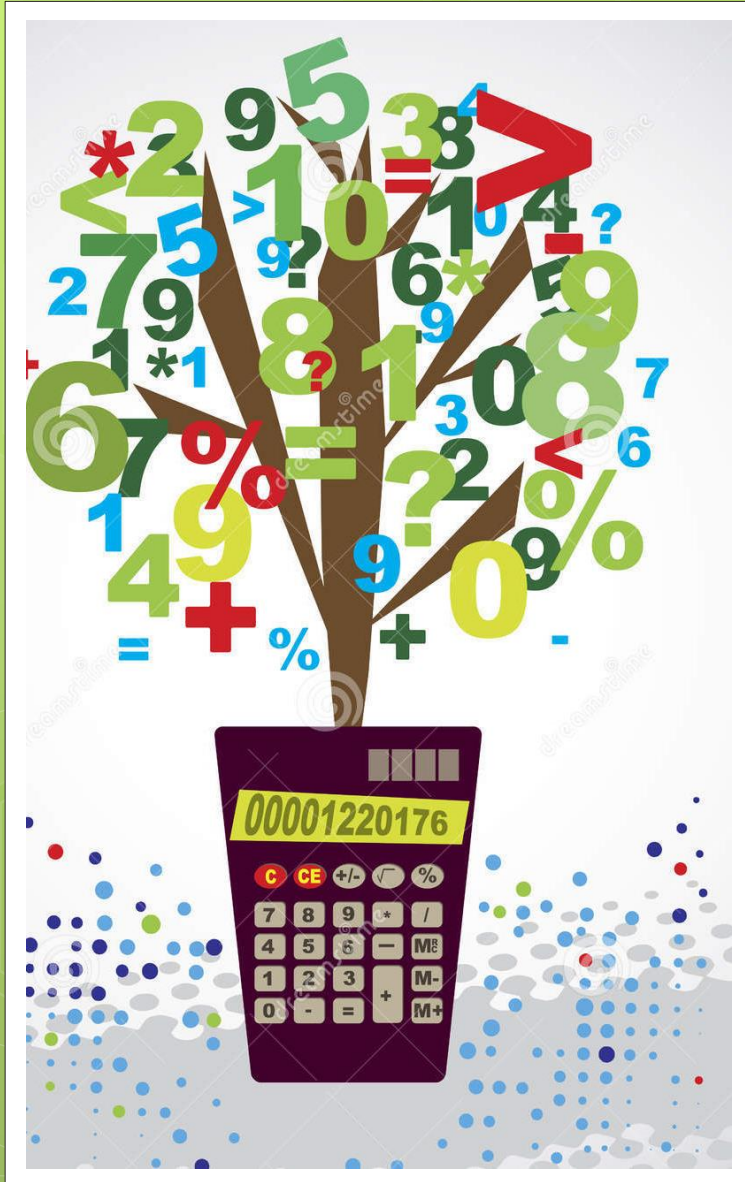
Professional Liability Fund
Oregon Attorney Assistance Program



Setting up a law practice can
be a daunting proposition.

Our team of experienced practice
management advisors can help.

Setting Up a Law Practice



- Virtual or traditional office
- Office share | work for rent
- Business formation resources
- Budgeting and accounting
- Marketing starter kit
- Staffing
- Office systems

Let us help you navigate through the process.

You've done the work. Let us show you how to get paid by establishing and following procedures for timekeeping, billing, and collections.



Billing and Collections

PMA Services



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Learn how to create systems for client intake, file management, calendaring, task management, and conflicts.



We offer
guidance on
how to use
technology in
your practice.

Need direction on setting up or maintaining your lawyer trust account? We can guide you through the rules and procedures, including:

- Disbursing funds
- Avoiding overdrafts
- Handling unclaimed funds
- Recordkeeping
- Reconciling accounts



Trust Accounting

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statewide*

Meeting Space for Oregon Lawyers

Courtesy of the Professional Liability Fund
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Oregon Lawyers' Conference Room

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- Capacity 6-8 people
- Password-protected Wi-Fi
- Cold and hot water dispenser
- Free to Oregon lawyers



Courtesy of the Professional Liability Fund and
Oregon Attorney Assistance Program

Oregon Lawyers' Conference Room

Choose Appointment

Your Info

Confirmation

Returning? [Log in](#)

I would like to schedule...

Oregon Lawyers' Conference Room
30 minutes

Oregon Lawyers' Conference Room
1 hour

Oregon Lawyers' Conference Room
1 hour 30 minutes

Oregon Lawyers' Conference Room
2 hours

Oregon Lawyers' Conference Room
2 hours 30 minutes

Oregon Lawyers' Conference Room
3 hours

Choose a time

Provide your info

Receive confirmation



Make Your Reservation Today

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Practice Management >

Oregon Lawyers' Conference Room

Or use the Online Calendar

<https://oregonlawyersconferenceroom.acuityscheduling.com/schedule.php>

Statewide Meeting Options

Free | Inexpensive meeting space is available in

- Albany
- Astoria
- Baker City
- Bend
- Coos Bay
- Dallas



Statewide Meeting Options

Free | Inexpensive meeting space is available in

- Eugene
- Hillsboro
- Hood River
- LaGrande
- Lakeview
- Lincoln City



Statewide Meeting Options

Free | Inexpensive meeting space is available in

- Medford
- Newport
- Oregon City
- Pendleton
- Portland (SE, NE, NW, SW)
- Prineville



Statewide Meeting Options

Free | Inexpensive meeting space is available in

- Roseburg
- Salem
- The Dalles
- Tigard | Tualatin
- Tillamook
- Vale





Make Your Reservation Today Oregon Meeting Rooms

Courtesy of libraries, courthouses, and bar associations throughout Oregon. Compiled by the PLF Practice Management Advisors.

Access the list on the PLF Website

www.osbplf.org

[Practice Management >](#)

[Oregon Lawyers' Conference Room](#)

Select Other Options for Meeting Space

Metro Area | Statewide



PLF and OAAP CLE

Continuing Legal Education and Workshops

Courtesy of the Professional Liability Fund
and Oregon Attorney Assistance Program

Convenient, free, low cost

- In-person
- Live webcasts
- Streaming
- Downloadable
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Browse our programs

www.osbplf.org > CLE > Past CLE

- Bankruptcy for the Non-Bankruptcy Lawyer
- Calendaring and Docketing
- Contract Lawyers CLE: Conflicts
- Dangerous Situations
- Employment Law Practices
- Avoiding Malpractice When Filing and Serving a Complaint
- Health Insurance Today, at 65, and in Retirement
- Prejudgment Interest and Attorney Fees



For 2015



Upcoming CLEs

PLF Website

www.osbplf.org

CLE

OAAP Website

www.aaap.org

CLEs/Workshops



*Free and
Confidential Services*

Oregon Attorney Assistance Program

www.aaap.org

The OAAP is based on the philosophy of lawyers helping lawyers.

All OAAP attorney counselors are lawyers and professionally trained counselors.

We provide confidential assistance
with and referral for

- Problem alcohol use
- Problem drug use
- Stress management
- Time management
- Career transition



We provide confidential assistance
with and referral for

- Relationships
- Compulsive disorders
- Problem gambling
- Depression
- Anxiety



Read the In Sight

WELCOME, BRYAN!

The OAAP is pleased to announce that Bryan E. Welch, JD, CADC candidate, has joined the OAAP as an attorney counselor, after having worked as an intern since January.

Bryan earned his law degree from Northwestern School of Law at Lewis and Clark College in 2001. An active member of the Oregon State Bar and the Oregon Medication Association, he practiced law for 12 years, focusing primarily on family law and mediation.

Bryan, in recovery since 2001, has been actively involved in the recovery community, including the OAAP, for over 14 years. Prior to joining the OAAP staff this year, Bryan was a member of the State Lawyer Assistance Committee for over five years, including serving as chairperson in 2011 and 2012. He is currently working to earn his certification as a Drug and Alcohol counselor.

Bryan enjoys spending time with his wife, hiking, taking care of his horses, and playing the ukulele.

Bryan joins our four OAAP attorney counselors, Shari E. Gregory, LCSW, JD, Mike Long, JD, MSW, CEAP, Douglas S. Quinn, JD, LPC, CADC I, and Elysa R. Hasilla, JD, MSW, starting lawyers, judges, law firms, and law-related organizations throughout the state with issues related to recovery, mental health, stress management, career satisfaction, and resiliency building.

Finding Meaningful Work: A Job-Search Skill-Building, Networking, and Support Group

This fall, the OAAP "Lawyers in Transition" networking and support group for lawyers making job or career transitions will change to a new name and format. In this new group, "Finding Meaningful Work," lawyers will create and execute a personalized job search plan; develop a mission statement and elevator speech; learn and practice networking skills; and hone their job search skills. Once a month, we will continue to feature a "Lawyers in Transition" guest speaker.

The new group, which will be facilitated by OAAP Attorney Counselor, Shari E. Gregory, LCSW, JD, will meet at the OAAP on Thursdays at noon, beginning in September. To participate, please contact Shari at (503) 226-1057, ext. 14, or at shari@oaap.org.

Timely articles by and for Oregon lawyers

*Contact an OAAP
Counselor today about*

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Groups

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Learn more at www.oaap.org



503.226.1057 or 800.321.OAAP



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Do You Know Someone Who Is Going Through the Disciplinary Process?

Dealing with a discipline complaint can be an extremely difficult, stressful, and isolating experience. The OAAP offers five-week **confidential** support and discussion groups to help lawyers through these challenging issues.

For more information, contact the OAAP
503.226.1057 or 800.321.OAAP





THE NINTH ANNUAL WOMEN'S WELLNESS RETREAT FOR LAWYERS
APRIL 8 & 9, 2016
HALLMARK RESORT & SPA CANNON BEACH

Save the Date!

Mindfulness Group

The OAAP is now offering a group for lawyers who want to learn how to implement mindfulness-based practices in their lives.

For more information, please contact Kyra Hazilla at **503.226.1057** or **800.321.OAAP, ext. 13**.



The OAAP provides completely confidential assistance, advice, and training to lawyers to encourage them to seek the assistance they need.

For personal assistance, call any of our OAAP Attorney Counselors:



Shari R. Gregory



Kyra M. Hazilla



Mike Long



Douglas S. Querin



Bryan R. Welch

Helping the legal profession
since 1982

OAAP Attorney Counselors



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