

# Law Practice News



Newsletter of the State Bar of Wisconsin's Law Practice Section

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## View from the Chair

Thomas A. Heyn

Law Office of Thomas A. Heyn, Cottage Grove

I belong to an email discussion list where attorneys from across the country and around the world talk about law practice and technology. Recently, one of the participants mentioned a time management seminar and book by David Allen that she had found helpful. The seminar and book are called "*Getting Things Done*." The discussion piqued my interest, so I checked out the author's Web site and got a copy of the book from my local library.

Most of us have read books about time management before. We have probably attended seminars and purchased organizers and calendars. But Allen's approach is different. He doesn't talk about managing our time. He talks about managing our actions and focusing our energies. The problem, as Allen sees it, is that we have so much "stuff" occupying our thoughts, so many worries, that we can't focus and act efficiently.

Most time management approaches start by having us clarify our life goals, setting professional goals, perhaps family goals, and then prioritizing everything with those goals in place. Allen thinks that is the wrong place to begin because of all that other, non-priority "stuff" that we still have to deal with. Preoccupation with that stuff prevents us from focusing on our goals, or from even setting goals in the first place.

So, Allen takes a different approach. He has us deal with the stuff first and get rid of the preoccupation. Once we clear the clutter, we can get to the important goal setting that gives life its proper focus.

What sets Allen's method apart is that it is systematic, comprehensive, and practical. He also tries to make it simple and fun (because we get to see how organized we are); otherwise, we won't want to do this kind of thing. He has us deal with everything in our life that is occupying our mind, from a cluttered desk, an inefficient office layout, and scraps of paper and brochures in our office, to an overstuffed closet at home, a disorganized garage, and mental lists of so many things to do that we lay awake at night worrying if we have forgotten something.

Once we get all those things above into his "system," once we have everything in "place" where we can get at it, we no longer have to worry about those items or tasks getting lost. We have a system in place to get at these details, to review what needs to be done on projects, to knock things off our list, and to move forward step-by-step. We are always asking what is the next specific action we must take to keep moving our projects forward. Because we no longer have to be worried about forgetting or neglecting something, we have more energy

available to focus on the things that are important, instead of wasting time on things that are not important.

In terms of law practice management, sometimes one of the best things we can do is to better manage ourselves. Allen's book, *Getting Things Done*, may help us to do that.

If you are interested, check out his Web site (with some great free tips) at [www.davidco.com](http://www.davidco.com). Also, if you have other resources on time management or self-management that you would like to share with the Law Practice Section, please drop me a note at [taheyn@chorus.net](mailto:taheyn@chorus.net) and I'll pass these resource references on to our section members.

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## Law Practice Pointers

### Avoid Going Postal

Do you hate going to the post office? Do you hate standing in line waiting to get stamps? Do you hate the fact that you lose money by overpaying on postage because you do not have the exact combination of stamps to mail a package? Well, Stamps.com is the answer. Stamps.com is an Internet provider of postage stamps through the U.S. Postal Service. Stamps.com provides the user with free software. The software allows you to pick the amount of postage you need based upon weight, the type of stamp you need (size and style) and it allows you to pick special categories of mail (e.g., certified, return-receipt, etc.). In addition, it creates an address book based upon your Outlook addressees. With Stamps.com you will never have to look up an address once it is in your address book. With Stamps.com you never have to go to the post office. And, with Stamps.com, you can be most economical because you always have the right postage.

**Contributed by Gwendolyn G. Connolly, Law Office of Gwendolyn Connolly, Milwaukee**

### Caution: Deleting Email Messages May Be Hazardous to Your License

Printed email messages do not contain as much information as the electronic original. Information regarding the original author, title, creation date, the number of revisions, BCC fields and other information might not appear on the printed message. That additional information is lost when the email message is printed out and the message is deleted. Deleting email messages may raise civil discovery violations, issues of destruction of business records, or violations of the public records law. Office procedures which permanently

preserve backup copies of trash folders before they are emptied may help address these potential issues.

### QuickBook Trust Accounting

There is an excellent article posted on the Minnesota State Bar Association's Web site with detailed steps on one way to set up trust accounts in QuickBooks. The link is as follows: <http://www2.mnbar.org/gbguide/qbguidel.htm>.

### Legal Writing 101: Writing with Style

Should you capitalize cardinal directions, such as "north", when used in legal descriptions? Are the commas used correctly in the preceding sentence? What is the difference between *id*, *ibid*, *supra*, and *infra* and when shouldn't you use them? Should you start a sentence with a typographical symbol like § or ¶? The *Redbook*, Bryan A. Garner, West Group (2002) is a readable and understandable style manual available at a reasonable cost. Part 1 covers the mechanics of writing, such as punctuation, capitalization, spelling, and document design (white space, justification, spacing, etc.). Part 2 contains information on grammar and usage. Part 3 suggests formats for common legal documents such as research memos, opinion letters, pleadings, motions, and briefs. In this day of high tech, you may find a readable manual on the basics of legal writing valuable.

### Reconcile Your Bank Statements Promptly

Recently a client brought in a check his bank had charged against his account. It appeared to be a computer form check and contained the name of the client's business and the correct account number. It was payable to a Florida business and "Signature on

file" was printed on the signature line. However it was not the client's check blank, nor was it authorized or issued by the client.

The Uniform Commercial Code, and the agreements between a bank and its customer when an account is opened, limit the liability of a bank that pays forged or altered checks from the customer's account. Typically a customer is precluded from making a claim against the bank unless the customer notified the bank no more than 30 days after the first time the forged or altered item was included in a monthly statement.

Conversely, if a bank is notified within 30 days of the inclusion of a forged or altered item in a monthly statement, the bank will bear the loss not the customer. This is why it is imperative to promptly review your account statement as soon as you receive them, carefully looking at each check for false documents. Don't throw your bank statements into the pile of things to do "when you have time."

**Contributed by James Duvall, Hartman and Duvall, S.C., Alma.**

### Take a Vacation!

For what it is worth, one of the best tips I ever received regarding the practice of law was from a law professor who was also an active practitioner. You have to think about it. It is amazingly true. The tip was "You can do twelve months worth of work in eleven months but you can't do twelve months worth of work in twelve months." The mind and body do need rest and a change.

**Contributed by Lowell E. Sweet, Sweet & Maier, S.C., Elkhorn**

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# 10 Ways to Catch a Time Thief

**Anthony Vlahos**

Director of Marketing for LexisNexis

Who (or what) is sneaking away with your time at the office? We can all name the usual suspects: clients, co-workers, drop-in visitors, and surprise callers. But there are others: anyone or anything that prevents or delays you from effectively achieving your daily goals is a suspect. Fortunately, there are measures you can take to safeguard your valuable time from time thieves:

## 1. Avoid postal pileups.

Set a time to attack, purge, and file snail-mail daily. If you can do without a piece of mail, get rid of it. Then sort what is left into categories; e.g., bills, reading materials, and correspondence. Do not leave mail in piles. File each sorted category in its assigned place immediately.

## 2. Deal immediately with faxes.

Purge, sort, and file if necessary. Treat faxes in the same manner as postal mail. Don't pick up a fax and then put it back down on the top of a pile. As soon as you have it in your hand either do it, delegate it, or discard it.

## 3. Tame email addiction.

The convenience and immediacy of email foster a seductive sense of urgency. Resist it! If an email requires a response that can be crafted and sent in five minutes or less, answer it immediately. If the appropriate missive cannot be formulated in five minutes, then set time aside and respond at your convenience. Delete or file everything else. Set a time to read, delete, and file each day.

## 4. Tame wild documents.

Document disorganization can wipe out more of your precious time than all other computer threats. Don't waste time searching for misplaced client files and other documents — organize them.

## 5. Own the phone.

Just because the telephone is ringing doesn't mean you have to answer it. Sure, it's loud and distracting, but most phones can be muted, intercepted by an answering device, or simply ignored. You do have choices. For example, you can use voicemail protection; be assertive about your time (e.g., let clients know you're busy and that you'll have to call them back); and set deadlines before you begin a phone conversation. If there's no getting around a lengthy phone conversation, then put the caller on speaker phone and multi-task. This way, you can manage client or other business relations and get other work done at the same time.

## 6. Know your energy cycle.

Most of us have "high energy" time each day, with two periods of medium and one of low energy. Find these times for yourself and work with them — doing difficult work during high time, and easier work during lower times. This will make you more efficient.

## 7. Put big over little.

Often it's the little, relatively minor to do's that gang up on your time. Don't let them steal it. Focus on the big projects on your plate. Break down large projects into manageable tasks and prioritize them. Decide how long you can focus without losing

your edge, then block off a corresponding number of minutes or hours at the same time each day or week until the project is completed.

## 8. Picture your priorities.

All case and client matters should have clear goals, objectives and deadlines that provide you a framework within which to function. Schedule your time and allocate your energy accordingly. And, while you're at it, schedule time for you. View that time as an appointment with yourself, and keep it. Make sure that other people in the firm know that this time is blocked out and other priorities must be slotted in around it.

## 9. Chart your flow.

How long does it take you to research a matter? What about firm billing and other back-office tasks? What time does your workday end? The way you conduct and organize your activities from the moment you sit at your desk can determine the relative success of the day. Monitor your workflow, and you'll get better at managing the time you've got.

## 10. Savor Saturdays and Sundays.

They only come around once a week, you know.

The essence of time management is doing fewer things of greater importance in the time you have. Remember these time- and self-management tips and your time won't be pillaged by the dozen or more daily distractions in the office.

Anthony Vlahos is Director of Marketing for LexisNexis. You can email him at: [Anthony.Vlahos@lexisnexis.com](mailto:Anthony.Vlahos@lexisnexis.com).

# What Has the Wisconsin State Law Library Done for You Lately?

Connie Von Der Heide

Reference/Outreach Services Librarian, Wisconsin State Law Library

Many of you are no doubt familiar with the Wisconsin State Law Library, which has been serving the legal information needs of attorneys for many years. Perhaps you've actually visited the library to do your own research, you've called us to order copies of opinions or journal articles, or you've discovered our website. What you might not be as familiar with are the library's new location and the additional services we now offer.

## Law Library Background

The Wisconsin State Law Library has been in existence since the founding of the Territory of Wisconsin in 1836. It began as a legislative library, was part of the executive branch for a few years, and since 1876 has been an agency of the Supreme Court of Wisconsin. It serves the legal information needs of officers and employees of the state, attorneys, and the public, by providing a comprehensive collection of print and electronic legal resources, and expertise in the selection, maintenance, and use of those resources.



In January 2002, the library moved from its longtime home in the Wisconsin State Capitol building to a brand new location in the Risser Justice Center, just off the Capitol Square in downtown Madison. For the first time in decades there is adequate shelf space to house the library's entire collection under one roof. Materials that previously had to be stored and retrieved on request are now immediately accessible. The new library also has more comfortable study areas, from large tables in the reading room to smaller carrels and individual tables near windows in the stacks.

## Internet Access at the Library

A network of public access stations provides access to the Internet and to a variety of CD-ROM and web-based research tools. Data ports throughout the library also facilitate Internet access for patrons' own laptops.

## Meeting Space

If you're looking for a place to confer with a client or hold a meeting, the library now offers several options. The Rare Book Room, Library Conference Room, and four individual user workrooms can be rented on an hourly or extended basis.

## After Hours Research

If you need or prefer to do your research outside normal business hours, the State Law Library can accommodate. Our After Hours Service allows Wisconsin-licensed attorneys to access the library from 7 to 8 a.m. and 5 to 10 p.m. weekdays, and 8 a.m. to 6 p.m. on weekends. Add that to our regular hours of 8 a.m. to 5 p.m. Monday through Friday., and you have 95 hours of access per week. A 2003 calendar year subscription is just \$80 and includes your own key tag for convenient entry.

## Web site "Search and Browse" Access

When you can't visit the library yourself, we can bring it to you. Our website, [wsll.state.wi.us](http://wsll.state.wi.us), provides access to the library's catalog, allowing you to search and browse the collection from your home or office. Registered library borrowers can also access LegalTrac, an index to articles in over 800 legal journals.

## Delivery of Research Materials

When you find what you need, we'll send it to you. The library circulates materials by priority mail to any Wisconsin-licensed attorney. The cost is \$10 per item plus return postage. Our document delivery service can also mail, fax, or email copies of library materials to you. Requests are processed the same day they are received, and fax or email orders are typically delivered within hours. Delivery fees vary by number of pages and delivery method.

## Online Research Service

If it's online research you need help with, the State Law Library is once again at your service. Through the Computerized Legal Research Service, our experienced reference staff can search case law, statutes and many other databases for you using the vast resources of LexisNexis, Westlaw and other electronic services. We also provide convenient access to free Web-based resources. Our Web site serves as a portal to online primary laws of Wisconsin, other states, and the U.S., as well as a wide variety of other legal information.

## Online Research Education

If you need help with online navigating, call or email our reference desk for an immediate or specific need, or sign up for any of our hands-on legal research classes, presented in the library's Computer Training Room. Classes range from one-hour free sessions devoted to a single web site, to half-day CLE-accredited workshops on Internet-based Wisconsin and federal legal research. Just give us your email address and we'll keep you up-to-date on upcoming classes and other library news.

## Contact Information

**Address:** State Law Library, 120 Martin Luther King, Jr., Blvd., P.O. Box 7881, Madison, WI 53707-7881.

**Hours:** 8 a.m. – 5 p.m., Monday through Friday.

**Telephone:** Toll free (800) 322-9755 General/Circulation (608) 266-1600.

**Reference and Document Delivery** (608) 267-9696. Fax (608) 267-2319.

**Email:** [wsl.ref@courts.state.wi.us](mailto:wsl.ref@courts.state.wi.us)

**Web site:** [wsl.state.wi.us](http://wsl.state.wi.us)

Please contact the Wisconsin State Law Library to find out more about all of these resources and services. We're here to help you with your legal information needs – now more than ever.

# Racine County Leads the Way in Electronic Filing

**Robert Leibsle**

Godfrey, Leibsle, Blackburn & Howarth, S.C., Elkhorn

On January 15, 2003 Racine County recorded the first completely electronic real estate document in Wisconsin. It was the 10th county in the nation to deploy this type of technology for land records.

Do not let this project's modest beginnings fool you. Every big undertaking must have a start, and Racine County's venture signals the arrival of e-filing for real estate documents in Wisconsin. While Racine County has no intention of doing away with paper filing, the obvious goal is to have a substantial portion, or even a majority, of real estate document filings take place electronically in the reasonably near future. The savings of time and money to practitioners, clients, and government entities will likely be astronomical. An October 2002 presentation by Ladd, together with representatives of InGeo and Fannie Mae, highlighted the benefits of e-filing; reduced recording time, reduced costs, reduced errors, and improved overall productivity for everyone involved. For

example, Ladd indicated that the full turnaround time for a real estate document in Racine County, from the time it leaves the financial institution to the time it is returned, is currently four weeks (particularly in these days of high sales and heavy refinancing). E-filing will reduce that time to one to one and a half minutes. This time benefit alone is enough to cause practitioners to hail its arrival.

Those who practice in real estate are encouraged to visit the Racine County Register of Deeds Web site at [www.racineco.com/registerofdeeds/](http://www.racineco.com/registerofdeeds/) for information updates as this project moves into its implementation stages.

## Update:

A Press Release dated August 21, 2003 filed by the Milwaukee County Register of Deeds office announced that Milwaukee County now receives and records electronic lien releases and mortgage satisfactions via the Internet. Milwaukee County looks forward to eventually expanding electronic recording to include more complex documents.

## Law Practice Pointers

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### Six Vital Computer Backup Rules

1. Make a full system backup each night without fail.
2. Make "test restores" frequently to ensure you are getting a good backup.
3. Store your backup data outside of the office building.
4. Have a duplicate backup system outside of the office building to enable you to make emergency restorations.
5. Replace your backup media on a regular basis. Be sure to destroy the old media due to the confidential nature of its contents.
6. Have a disaster recovery plan.

# Portrait of a Successful Lawyer

Mary Alice Coan

Lawyers Assistance Program, State Bar of Wisconsin

**Hardworking? Naturally.**

**Well off? Sure.**

**Nice family? Lovely.**

**Pillar of the community?  
You bet.**

**Alcoholic? That, too.**

Not to mention depressed or stressed out or messed up. Is this your portrait? Or that of someone you know?

Could you use some help? That's why we have WisLAP, your State Bar's Lawyers Assistance Program. We have a program administrator, Shell Goar, a 24-hour toll-free helpline, and a network of volunteer lawyers across Wisconsin who've gone through the

same stuff you're experiencing and who are willing to talk to you when things seem overwhelming.

Here are some of the folks you could be talking to when we put you in touch with one of our volunteers: Mom lawyers practicing full-time with little kids in day care. Trial lawyers who've kicked the drug habit. Government lawyers who work long hours for low pay and less appreciation. Defense lawyers with so many impossible cases that they're always stressed. Retired lawyers who can understand just why you feel depressed when your practice is suddenly interrupted. Lawyers with spouses or kids who just aren't functioning well. Lawyers who've received that dreaded letter

from the Office of Lawyer Regulation.

You're too close to the situation to handle it by yourself. Don't feel ashamed to admit that you need help. All of our volunteers did it, and they got better. Call WisLAP at (800) 543-2625 and tell us what's bugging you. We can put you in touch with a volunteer, help arrange an intervention, or point you toward community resources like mental health professionals and self-help groups. Or we can just listen when you need someone to talk to.

Give us a try. We'd really like to help you get back to being that dynamite lawyer you started out to be.

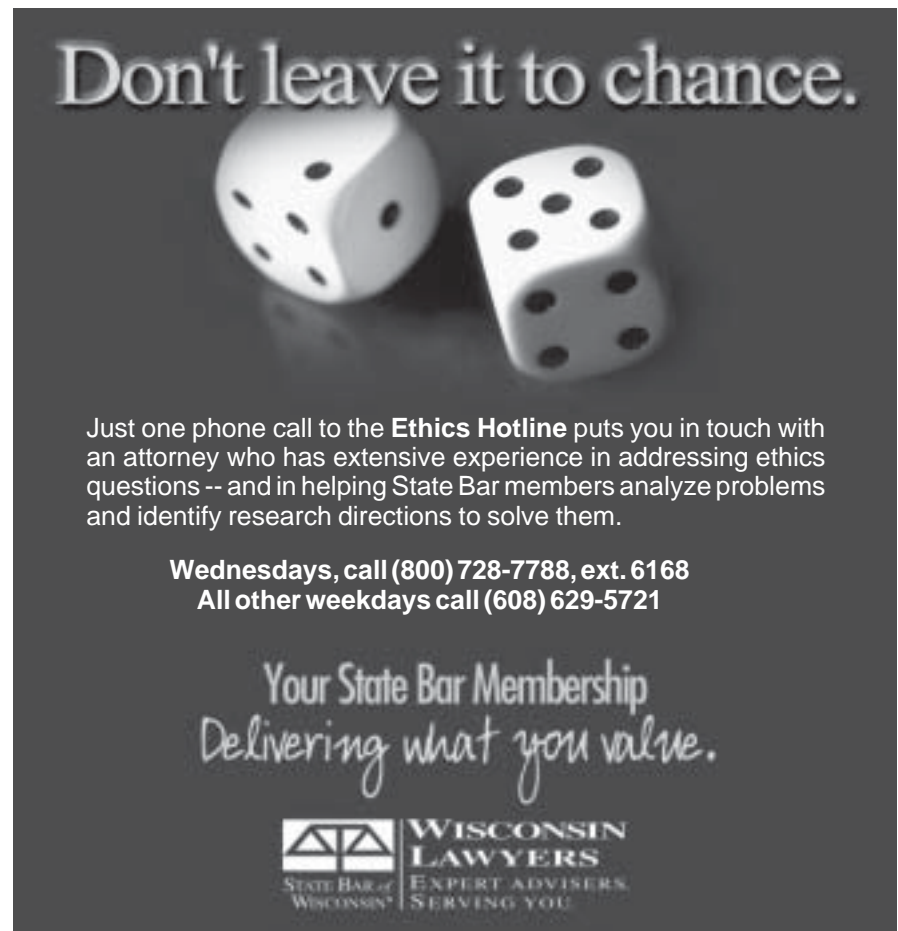
## Popular end-of-life planning guide available for attorneys and clients

The consumer guide, *A Gift to Your Family: Planning Ahead for Future Health Needs*, developed by legal and medical experts, educates the public about issues surrounding advance directives, such as a power of attorney for health care, living wills, and other issues such as organ and tissue donation.

"The consumer guide is a valuable consumer resource," says State Bar Past-President Pat Ballman. "The life planning guide was first produced two years ago and is in its third printing. More than 90,000 copies have been distributed."

Print copies of the guide are available for \$1 for members, plus tax, shipping, and handling. Volume discounts are available. Single copies of the guide can be downloaded at [www.wisbar.org/bar/lifeplan](http://www.wisbar.org/bar/lifeplan).

For more information, contact the State Bar at (800) 728-7788 or visit [www.wisbar.org/cle](http://www.wisbar.org/cle).




Don't leave it to chance.

Just one phone call to the **Ethics Hotline** puts you in touch with an attorney who has extensive experience in addressing ethics questions -- and in helping State Bar members analyze problems and identify research directions to solve them.

**Wednesdays, call (800) 728-7788, ext. 6168**  
**All other weekdays call (608) 629-5721**

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STATE BAR OF WISCONSIN | EXPERT ADVISERS SERVING YOU

# Respect

Thomas R. Schumacher

Bakke Norman, S.C., Baldwin, WI

There are entire companies that are established to provide law office management information for today's lawyer. However, perhaps the best management advice can be summarized with one word, "respect." Respect for the members of the team which provides legal services to clients by your firm. A team that consists of not only the lawyers but also each member of our staff. Respect for our clients; respect for the lawyers against whom we practice and the court personnel; judges, clerks, registrars of deeds and probate. Respect for each of the individuals who are part of the legal system for the delivery of legal services assists each of us in providing quality legal services. It also serves as an acronym for law office management.

## Receptionist

Everything starts with the receptionist. Within the office it is the first person who makes contact with the public, either on the phone or when they walk in the front door. It is the person whose decision making process determines which lawyer receives the incoming call for the six-figure personal injury case, the two million dollar estate, the murder case on last night's news or the new commercial development client. The receptionist,

with their voice, their attitude, their ability to juggle several tasks at once create the critical first and continuing impression of our firms with the outside world.

## Efficient

In providing legal service we need to be efficient. There are time pressures and economic pressures that demand efficiency if our practice is to be successful.

## Systems

In order to be efficient, we need to use systems. How many times have we missed important pieces of information during an initial interview with a client because we do not have a checklist for the areas in which we practice? Our systems should cover everything from file opening to the final closure letter. Any system should include procedural, substantial and practical steps in handling a matter.

## Policies

"Policies" systems make our law practice operate more efficiently while policies make dealing with employee matters more efficient. Its tough to play a game if you do not know the rules. Everyone should know up front, the firm policy on vacations, sick

days, health care benefits, retirement benefits, when salaries are adjusted, reimbursement for continuing legal education, mileage, client marketing expenses, etc.

## Everyone

Every person in the firm is critical to the success of the law firm. It must be a team effort. It is the job of management to determine the roles people will fill and then provide them with the training and tools (hardware, software, phone systems, postage systems, etc.) to fulfill their role.

## Collections

You cannot pay salaries or utility bills with billable hours. You must have collections. This means getting retainers, billing hourly files on a regular basis and using billing to inform clients of progress on their case. Case selection has more to do with reducing accounts receivable than a good billing system.

## Time Management

You are the only person who can control what you accomplish in a day. You determine what your priorities are for the day. My goal is that at the end of the day to be able to say I have completed one significant project.

## Midwest Solo and Small Firm Conference

The Midwest Solo and Small Firm Conference will be held in Minneapolis on October 16th and 17th at the downtown Hilton. The price for 7 hours of CLE and 3 hours of ethics, two lunches, a dinner and a breakfast will be \$85. There will never be a better seminar at a better price. Please plan on attending. Registration forms will soon be available on WisBar. Sponsored by the State Bar's Solo and Small Firm Practice Committee and the ABA. To register, or for more information, call the ABA at (312) 988-5522 or go to [www.abanet.org/genpractice](http://www.abanet.org/genpractice).

# Plastic Primer: The Dos and Don'ts of Accepting Credit Cards

Evan Farr

Fairfax, Virginia

Increasingly, clients and potential clients are demanding that law firms accept credit cards for payment of legal fees and, increasingly, attorneys are giving in to this consumer demand. And there are some very good reasons that attorneys should accept credit cards:

- Many clients appreciate having the option to use a credit card.
- Many clients appreciate the ability to obtain frequent flyer or other bonus miles.
- Many clients expect to be able to use a credit card.
- Many clients insist on being able to use a credit card.
- Many of your competitor's already offer the credit card option.
- Accepting credit cards can help you get paid on time.
- Accepting credit cards can help you obtain clients who might otherwise balk at writing large checks.
- Accepting credit cards can aid in collection of delinquent accounts.
- Accepting credit cards allows you to get paid in advance for phone, fax, or email-based consultations.
- Accepting credit cards demonstrates to clients that you are progressive and forward-thinking.

If you're contemplating whether to make the jump into the world of plastic, there are several considerations to keep in mind.

## Understand How it Works

Before you can accept credit cards, you must establish a "merchant account." This is an account with a bank or other financial institution that

will act as the intermediary depository for credit card payments you accept. The merchant account provider normally sells or rents to you an electronic terminal which your office uses to scan in the credit card and enter the amount of the payment. This terminal is usually combined with a printer to print the credit card receipt for the client to sign. At the end of day, all of the day's transactions are transmitted to the merchant account provider, and the merchant account provider deposits the full amount of each charge into your specified bank account. Once a month, the merchant account provider debits your specified bank account for a monthly service charge, a terminal rental fee (unless you purchased the terminal), and a percentage-based transaction fee based on the total amount of charges your firm accepted during the prior month.

## Shop Around

Spend a little time to try to get the lowest fees you can find. Terminal rental fees, service fees, and transaction fees can vary considerably among different merchant account providers and among different credit cards. Check with your own local bank, as it may offer a competitive rate.

## Limit the Cards you Accept

The more cards you accept, the more complications you are likely to introduce into your practice. I suggest you accept only Visa and MasterCard. Most people have one of these cards and these cards are both consistent with the professional image that law firms need to convey.

## Practical and Ethical Considerations in Setting up Your Merchant Account

Be careful how you set up your merchant account — there are several ethical and practical considerations. Ethics rules generally prohibit taking client trust funds into the firms' operating account, so it is not a good idea to have your merchant account tied solely to your operating account. On the other hand, you would have a potential ethical problem, not to mention an accounting nightmare, if you were to allow a merchant account provider to deduct money from your trust account. The alternative? Set up your merchant account so that all credit card payments are deposited into your trust account, but all account-related charges (service fees, transaction fees, and rental charges) are deducted from your operating account. If a credit card payment is for an advance fee deposit, you simply keep the money in your trust account. If the credit card payment is for a fee already earned, you simply take the payment from trust to operating once the payment has been deposited into the trust account.

## Require Credit Card Pre-Authorization for Unpaid Bills

A good way to help ensure that you get paid is to place a provision in your Legal Services Agreement requiring that the client pre-authorize a credit card payment if an invoice is unpaid for more than 30 days. You may also want to include a credit card payment option as part of your regular monthly invoice to clients.

Just like anything else worthwhile, getting your office geared up to accept

credit cards will take an initial investment of time and determination but, like anything else, once you get started you'll wonder how you ever did without it.

Here's the language I use:

**Billing.** We will send you a monthly invoice or statement of account showing services rendered and fees due thereby and any expenses incurred, along with an itemization of funds you have deposited into trust and how those funds have been applied. Any balances owed the firm as indicated on such invoices shall be due and payable upon receipt, but in no event not later than the last day of the month in which the bill is re-

ceived. We are confident that you will make every effort to pay us promptly. Occasionally, however, a client has difficulty making payments on time. Accordingly, we request that you provide us with a valid credit card number that we will keep on file and bill in the event that any statement of ours remains unpaid and uncontested for more than thirty days. Please provide below the information for the credit card that you would like to use for this purpose:

**About the Author:**

Evan Farr is the principal attorney in a three-attorney general practice firm in Fairfax, Virginia. He has been Chairman of Fairfax Bar Association's Law Practice Management Section since its inception in 1997, and is also active in the General Practice Section of the Virginia State Bar, where he has served on the Board of Governors of the Section since 1998, edited the Section's newsletter since 1999, and is currently serving as Chair of the Section.

I hereby authorize The Law Firm of Evan H. Farr, P.C. to charge the below credit card when any invoice from said law firm has remained unpaid and uncontested for more than thirty days:

Name on Credit Card \_\_\_\_\_

Type of Card:     Visa         Mastercard

Credit Card Number \_\_\_\_\_      Expiration Date \_\_\_\_\_

Authorized Signature \_\_\_\_\_

# Client Selection = Lawyer Satisfaction

**Robert Hagness**

Hagness Law Office, Mondovi

Many lawyers feel weary with their practices, stressed-out, often lacking energy and time for their families and outside interests. At the risk of sounding simplistic, perhaps we expect too much of ourselves professionally, and drive ourselves past our limits. We dig holes for ourselves by allowing our clients to expect more than we can give them, either in terms of time or results. We try to be all things to all people.

Your clients see you because you are respected and do good work, not because they think you are perfect, know everything, or have nothing else to do. You don't need to work for anyone who feels differently.

Actually, you *need* to not work for people who think you are perfect, know everything, or have nothing else to do. They'll never be satisfied. Your

reputation will suffer long after your file is closed (when you thought your suffering had ended).

Why do so many of us assume that everyone who wants our services should be our clients? What's wrong with saying "no" to someone who undervalues you, whether in terms of your available time or your charges? If you aren't communicating easily and well at the outset, why do you think that will change later on?

The initial interview should be a time when you reflect on your feelings about the person sitting across the desk from you. Do you like this person? What are the odds of enjoying your time at work if you aren't working for people you want to help, and who are willing to work with you? Who's doing most of the talking? If not the prospective client, what are

you learning about that person's expectations?

I submit that most of us say "yes" to a prospective client far more often than we should, and it isn't good for us. The result is pre-ordained, as we struggle to do something we wish we hadn't started for someone who doesn't appreciate it, for a cost the client doesn't want to pay.

You are very busy, and will stay that way even if you become much more selective in your client acceptance process. When you spend your days doing what you like best, for clients who are very satisfied with you, being a lawyer is a joy. Clients will have nothing but good things to say about you, and often to you.

Be considerate to yourself and your family. Be assertive about what you do and for whom, and you'll have far fewer regrets.

# Earn ethics credit over the phone.

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Thursday, November 13, 2003

### Update on Changes to the Rules of Professional Conduct

Friday, November 21, 2003

### Collection of Fees and Procedures for Handling Fee Disputes with Clients - Friday, December 5, 2003

### Technology and its Impact on the Practice of Law/Advertising and Marketing the Law Practice - Tuesday, December 9, 2003

### Communicating with Represented and Unrepresented Parties

Thursday, December 18, 2003

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