KCBA KING COUNTY BAR ASSOCIATION

Solo/Small Firm Bootcamp

Basic Training 101:
From Client Intake to Disengagement

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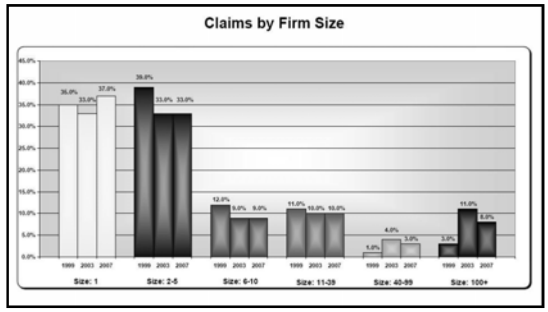
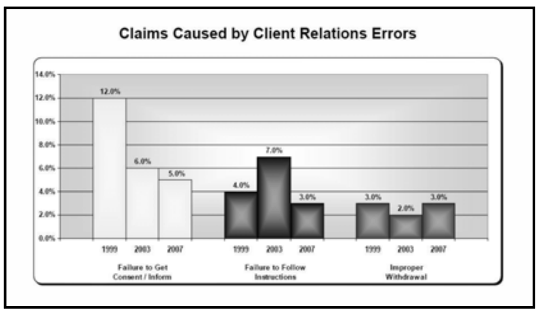
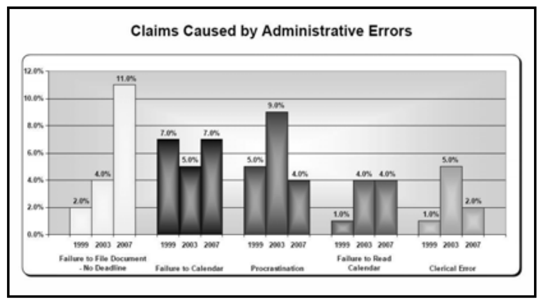
Practice Management Advisor



ABA Profile of Legal Malpractice Claims 2004-2007



ABA Profile of Legal Malpractice Claims 2004-2007



ABA Profile of Legal Malpractice Claims 2004-2007

Your Bootcamp Marching Orders

- ✓ Discipline
- ✓ Procedures
- ✓ Consistency
- ✓ Control and Leadership

Learn How To

- ✓ Screen Clients & Cases
- ✓ Establish Intake Procedures
- ✓ Control Client Expectations
- ✓ Manage Case Files
- ✓ Properly Disengage

Screen Clients & Cases

Evaluate the Client

1. Listen
2. Develop an Ear
3. Trust Your Instinct

Evaluate the Case

- Are You Capable?
  - Knowledge
  - Skill
  - Time
  - Resources
  - Support
- Do You Want It?


IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR THE COUNTY OF KING

JOHN PLAINTIFF,
Plaintiff,
vs.
ABC CORPORATION, JOHN SMITH, JOSEPHINE DEFENDANT, JANE DOES 1-20,
Defendants.

Case No. 0908-11111
COMPLEX LITIGATION

The Top 10 Worst Excuses

10. I Can't Say No
9. I Feel Sorry for the Client
8. I Could Earn a Big Fee
7. I'm Sure They'll Pay Me Later
6. More Volume = More Revenue, Right?

The Top 10 Worst Excuses

5. I Can't Turn Down My Friend
4. I Can't Turn Down My Family
3. My Best Client's Son Needs Help
2. The Statute is Running in One Week
1. I Am All Powerful!

It Takes Discipline to Make the Right Business Decision

Declining? Think W.A.R.

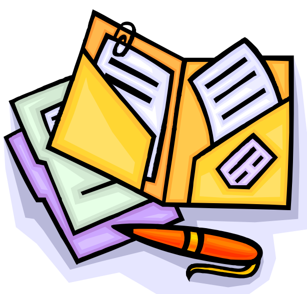
Write

And

Refuse

Decline Representation for *Any Reason*

Establish Intake Procedures



The Ideal Intake Form

- Captures Everything You Need
- Acts as a “File Opening” Checklist
- Is Conformed for Your Practice
- Offered in PDF (or not)

Use Consistently!

Print Form

NEW CLIENT INFORMATION SHEET

TODAY'S DATE

Client's Full Name / SS#

Spouse's/Partner's Full Name / SS#

Street Address

City/State / Zip / E-mail Address

Telephone (Home) / Client Work / Spouse/Partner Work

Client's Employer / Spouse's/Partner's Employer

Emergency Contacts:

Name / Relationship / Telephone

Name / Relationship / Telephone

Why You Chose Our Office

Conference With Attorney Regarding:

FOR OFFICE USE ONLY

Fee arrangement:

Billing arrangement:

DOCKET CONTROL	
Statute of Limitations Deadline	
Tort Claims Act Notice Due	
First Appearance Due	
Other Deadlines	
File Review Frequency	
INSTRUCTIONS:	

CONFLICT CONTROL	
NAME	RELATIONSHIP

File opened by / Conflicts checked by / Deadlines docketed by

Engagement letter sent by / Date

Disclaimer

The purpose of an initial consultation is to assess whether my legal services can be of use to you and, if so, to discuss the fees for my services. It may not be possible to make that determination given the time allotted for our meeting or with the information that you can provide. Following our consultation, you may decide not to retain me or I may decline to represent you. For me to act as your attorney, you and I must agree in writing to the terms of my representation.

TODAY'S DATE

Client's Full Name / SS#

Spouse's/Partner's Full Name / SS#

Street Address

City/State / Zip / E-mail Address

Telephone (Home) / Client Work / Spouse/Partner Work

Client's Employer / Spouse's/Partner's Employer

Emergency Contacts:

Name / Relationship / Telephone

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Control Client Expectations

Break it Down: 1-2-3

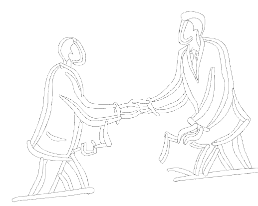
1. Establish Rules of Engagement
2. Define Roles
3. Provide Leadership

Written Rules of Engagement

- What Brings You Together?
- Explain Variables
- Avoid Promises
- Be Exclusive

Who Will Do What?

- Define Your Role
- Define the Client's Role

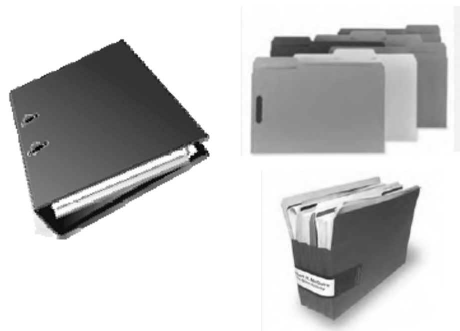


Provide Leadership

Give Clients the Details
They Need to Know to Work
Successfully with Your Firm

Manage Case Files

Organize Paper



Form Good Habits

1. Indexed?
2. Secured?
3. Organized?
4. Stored?


MEMO OF CONVERSATION

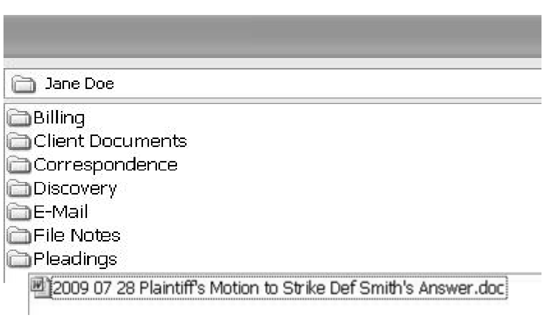
CLIENT NAME/MATTER:
PHONE CALL TO/FROM:
DATE: TIME:
RE:

Be a Filer, Not a Piler

"Friends Don't Let Friends Print E-Mail."

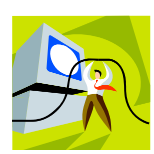
Bootcamp Proverb
Courtesy of Ben Schorr

Organize Digital Files



Use Technology

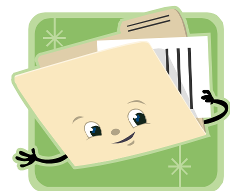
- Document Management Software
- Case Management Software
- Desktop Search Engines
- Backup!



Properly Disengage

7 Key Steps to Closing a File

1. Closing Letter Sent
2. Client Originals Returned
3. File Intact



4. Digital Files Captured
5. Destruction Date Assigned
6. Final Bill or Refund Issued
7. And ...

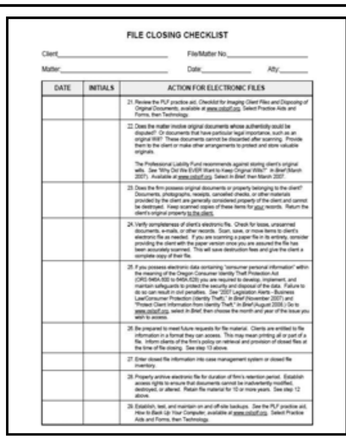
FILE CLOSING CHECKLIST

Client____________ File/Matter No.____________

Matter____________ Date________ Atty______

DATE	INITIALS	ACTION FOR ALL FILES – PAPER AND ELECTRONIC
		1. Make sure notices of *lis pendens* or lien abstracts have been discharged.
		2. Make sure all original judgments, orders, decrees, cost bills, deeds, contracts, etc. are filed or recorded.
		3. If an unsatisfied judgment is involved, diary the file for 3, 6, and 9 years. Review for assets and file certificate of extension before expiration of 10 years.
		4. Make sure any UCC or security interest has been perfected and filed. Diary appropriate renewal date and reminders.
		5. If the file involves a lease or option to buy, diary the file for 6 months prior to expiration.
		6. If the file involves a criminal matter, check to see if expungement is possible and diary the file for 3 years.
		7. Check for unbilled activities or balance remaining in trust and send final bill or accounting to client.
		8. Review the file for any further work to be done.
		9. Review file for additional names to be included in conflict system.
		10. Review file for documents to be included in the firm's form or template directory.
		11. If litigation or tribunal matter, withdraw as attorney of record.
		12. Assign destruction date. Regardless of how files are kept, the PLF recommends that all files be kept for a minimum of 10 years. See the PLF practice aid, *File Retention and Destruction*, available at www.osbplf.org. Select Practice Aids and Forms, then File Management.
		13. Send closing letter to client. Advise client of file destruction date and firm policy on retrieval and provision of closed file materials. Return client's original documents and include client questionnaire, if appropriate.
		14. Remove file from active status and enter destruction date into calendar, case management system, or closed file inventory.
DATE	**INITIALS**	**ACTION FOR PAPER FILES ONLY**
		15. Assign closed file number.
		16. Mark the file closed and enter closed file number in case management system or closed file inventory.
		17. Remove duplicate documents, unused note pads, and other unneeded items from file. (DO NOT remove draft work product, memos, phone messages, research, or attorney notes relating to the merits of the case.)
		18. Check for loose, unfiled documents and place in the file.
		19. Check network servers, local hard drives, laptops, zip drives, disks, flash drives, PDAs, etc. for electronic material not in file. Print hard copies, file, and purge electronic data or move electronic data onto appropriate storage media according to the firm's policy for retention of electronic records. Also see step 25 below.
		20. Move file to storage.

Page 1 PROFESSIONAL LIABILITY FUND (FILE CLOSING CHECKLIST.DOC)



FILE CLOSING CHECKLIST

Client____________ File/Matter No.____________

Matter____________ Date________ Atty______

DATE	INITIALS	ACTION FOR ELECTRONIC FILES
		21. Review the PLF practice aid, *Checklist for Imaging Client Files and Disposing of Original Documents*, available at www.osbplf.org. Select Practice Aids and Forms, then Technology.
		22. Does the matter involve original documents whose authenticity could be disputed? Or documents that have particular legal importance, such as an original Will? These documents cannot be discarded after scanning. Provide them to the client or make other arrangements to protect and store valuable originals. The Professional Liability Fund recommends against storing client's original wills. See "Why Did We EVER Want to Keep Original Wills?" *In Brief* (March 2007). Available at www.osbplf.org. Select *In Brief*, then March 2007.
		23. Does the firm possess original documents or property belonging to the client? Documents, photographs, receipts, cancelled checks, or other materials provided by the client are generally considered property of the client and cannot be destroyed. Keep scanned copies of these items for your records. Return the client's original property to the client.
		24. Verify completeness of client's electronic file. Check for loose, unscanned documents, e-mails, or other records. Scan, save, or move items to client's electronic file as needed. If you are scanning a paper file in its entirety, consider providing the client with the paper version once you are assured the file has been accurately scanned. This will save destruction fees and give the client a complete copy of their file.
		25. If you possess electronic data containing "consumer personal information" within the meaning of the Oregon Consumer Identity Theft Protection Act (ORS 646A.600 to 646A.628) you are required to develop, implement, and maintain safeguards to protect the security and disposal of the data. Failure to do so can result in civil penalties. See "2007 Legislation Alerts – Business Law/Consumer Protection (Identity Theft)," *In Brief* (November 2007) and "Protect Client Information from Identity Theft," *In Brief* (August 2008.) Go to www.osbplf.org, select *In Brief*, then choose the month and year of the issue you wish to access.
		26. Be prepared to meet future requests for file material. Clients are entitled to file information in a format they can access. This may mean printing all or part of a file. Inform clients of the firm's policy on retrieval and provision of closed files at the time of file closing. See step 13 above.
		27. Enter closed file information into case management system or closed file inventory.
		28. Properly archive electronic file for duration of firm's retention period. Establish access rights to ensure that documents cannot be inadvertently modified, destroyed, or altered. Retain file material for 10 or more years. See step 12 above.
		29. Establish, test, and maintain on and off-site backups. See the PLF practice aid, *How to Back Up Your Computer*, available at www.osbplf.org. Select Practice Aids and Forms, then Technology.

File Retention

10 Year Guideline

And If Things Go South…

1. Comply with RPCs
2. Give Reasonable Notice
3. Return Fees & Documents
4. Withdraw

Summary

1. Screen Clients
2. Establish Intake Procedures
3. Control Client Expectations
4. Manage Case Files
5. Properly Disengage

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