



## PracticeHQ: Opening or Closing a Firm

with

Jeffrey Schoenberger

[jeff@lawyerist.com](mailto:jeff@lawyerist.com)

NJSBA | NJCLE | NJSBF
ABOUT | NEWS | CONTACT
LOG IN
JOIN NOW

NJSBA
Resources CLE CLE On-Demand Meetings & Events Career Center Membership My Links/Handbooks CLE Records

### Practice HQ

NJSBA  
PRACTICEHQ

The New Jersey State Bar Association's Practice HQ is a free member resource designed to help you build and maintain a successful, thriving legal practice.  
To access the resources below please log into your NJSBA account.

Opening/Closing Firm

Client Development

Documents

Technology

Money

Management

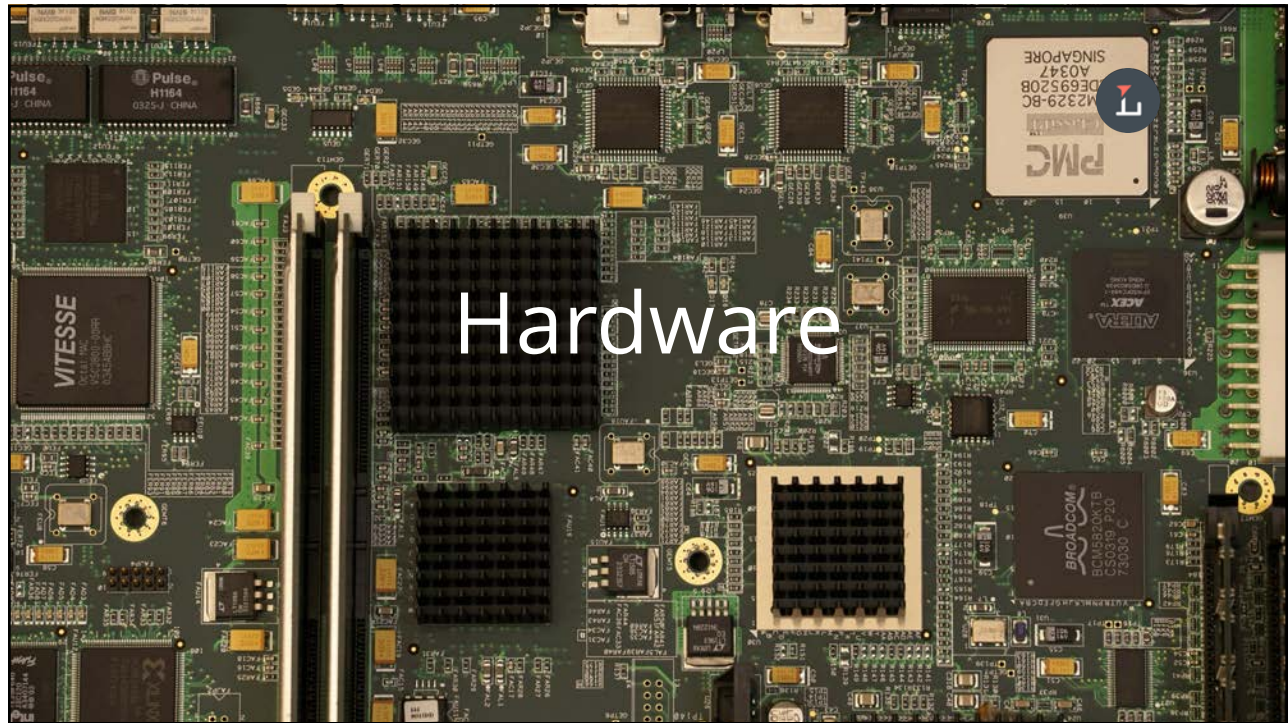
Comparison Charts

Learning Library



## Topics

- Hardware
- Software
- Security
- Practice Management
- Accounting
- Documents
- Bonus Tips






## Default to Laptop




Apple MacBook Air - \$1,099 (16GB RAM, 256GB SSD)

Lenovo X1 Carbon - \$1,250 (16GB RAM, 512GB SSD)



### Lenovo

NJSBA members are eligible to receive discounts of up to 30 percent off the everyday public web price on a wide range of Lenovo products, including laptops, tablets, desktops, accessories and more. In addition, you can receive free ground shipping on all web orders and monthly limited time special offers. For more information and easy ordering, login as an NJSBA member and visit For Members business and practice benefits.

Already a member? [Sign in here](#) to access

Not a member? [Join here](#)





## Warranty Options

*System Warranty*

*Accidental Damage Warranty*

*Buy from the Manufacturer*

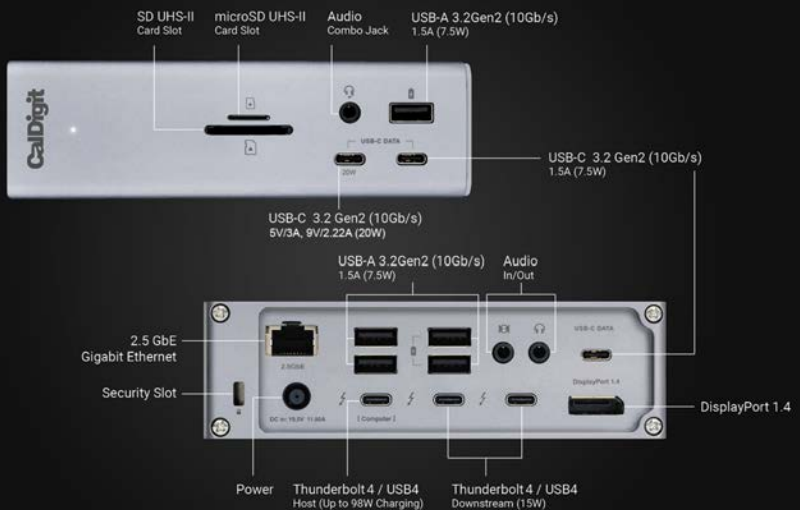


**CalDigit**

### Thunderbolt Station 4 | TS4

The iconic Thunderbolt Station is back, now in its 4th iteration, featuring the classic design first introduced by CalDigit.

Not only is the TS4 the most powerful dock ever created, the dock with the most ports, the dock with the highest charging capabilities, the first dock with 2.5GbE, it is the dock that will drive us into the Thunderbolt 4 generation.



## Good, Basic Monitor (e.g., Dell P Series); buy 2

 Save  Compare



### Dell 24 Monitor - P2423D

Manufacturer Part WM44D  
Dell Part 210-BDKE

★★★★☆ 4.4 (185)

#### Specs

Diagonal Size	23.8"
Resolution / Refresh Rate	QHD 2560 x 1440 at 60 Hz
Panel Technology	IPS
Adjustability	Height, pivot (rotation), swivel, tilt
Ports	DisplayPort 1.2 (HDCP 1.4), HDMI (HDCP 1.4), USB 3.2 Gen 1 upstream, 4 x USB 3.2 Gen 1 downstream

~~\$319.99~~

**\$299.99** You Save **\$20.00**

DELL **REWARDS** Earn \$9 (900 points) Rewards.

#### Financing Offers

[Learn More](#) | [Pre-Qualify Now](#)



Desks ▾

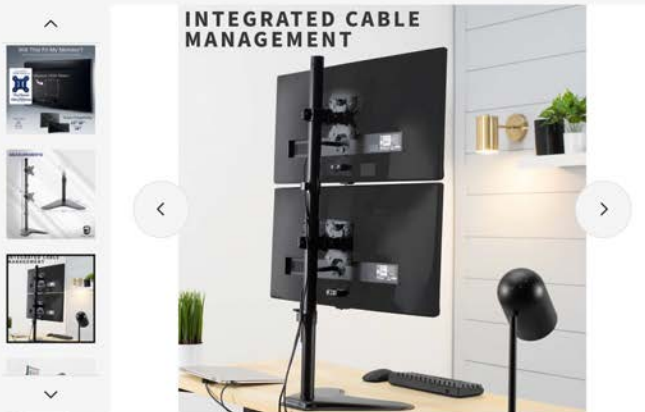
Mounting ▾

Workspace ▾

About VIVO ▾

Business Accounts ▾

Search for ...



STAND-V002L

## Dual Vertical 13" to 34" Monitor Desk Stand

**\$39.99**

★★★★☆ 52 reviews

● In stock, ready to ship

- Assured Quality
- 30 Day Return Policy
- 3 Year Warranty

Pay in 2 interest-free installments of **\$20.00** with [shop](#)  [Learn more](#)

Color: Black



[← Dell UltraSharp](#)

[Configure](#)
[Features & Design](#)
[Tech Specs](#)
[Reviews](#)
[Drivers, Manuals & Support](#)

**\$1,919.99**
[Add to Cart](#)

## Dell UltraSharp 40 Curved Thunderbolt™ Hub Monitor - U4025QW

**★★★★★ 4.6 (183)**

Elevate your performance with a 40-inch curved Thunderbolt™ hub monitor featuring a stunning 5K display and a 120Hz refresh rate.

---

Choose Screen Size (inches) | Which screen size is right for you?

24-inch	27-inch	32-inch	34-inch	38-inch	40-inch
43-inch	49-inch				

---

Screen Type | Which screen type is right for you?

- ☒ Curved Screen

---

Resolution | Which resolution is right for you?

- ☒ WUHD (5120 x 2160)

---

Panel Type | Which panel type is right for you?


- ☒ IPS Black

---

Height-Adjustable Stand

- ☒ Height-Adjustable

---



The main product image shows the Dell UltraSharp 40 Curved Thunderbolt Hub Monitor (U4025QW). The monitor is curved and displays a vibrant, colorful abstract pattern. It features a silver stand and a sleek black bezel. To the left of the monitor are several small icons representing different features or settings. Below the monitor is a small badge indicating it is a CES Innovation Award Winner for 2024.

Diagonal Size  
39.7"

Resolution / Refresh Rate  
5120 x 2160 at 120 Hz

Panel Technology  
IPS Black Technology

[illegible]



## Go iPad Only

*iPad for \$329*

*Keyboard for \$159*

*Pencil for \$99*

**\$587**



## Can An iPad be My Mobile Everything?



Keep one of these in your back pocket:

- Screens can remote into Mac or Windows - \$25/yr flat



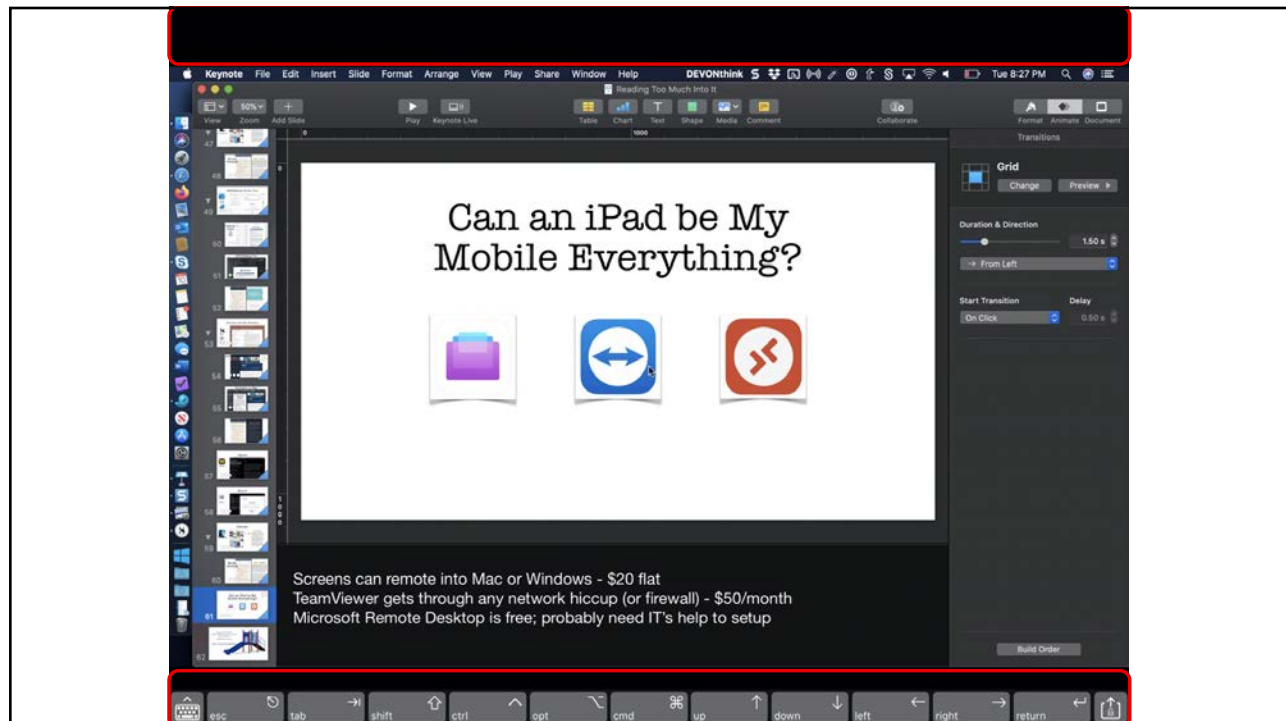
- TeamViewer gets through any network hiccup (or firewall) - \$50/month



- Microsoft Remote Desktop is free; probably need IT's help to setup







## iPad Notetaking



**Goodnotes**

Works on iOS, Android, Mac, & Windows



**Notability**

Works on iOS and Mac  
Supports dark mode

Both Support Apple Pencil  
Both offer a free tier  
Both require subscriptions (\$10-20/yr) for full features  
Both record audio synced to notes  
Both import PDFs for markup  
Both export as PDF  
Both search text and handwriting

## Other Options



Noteful

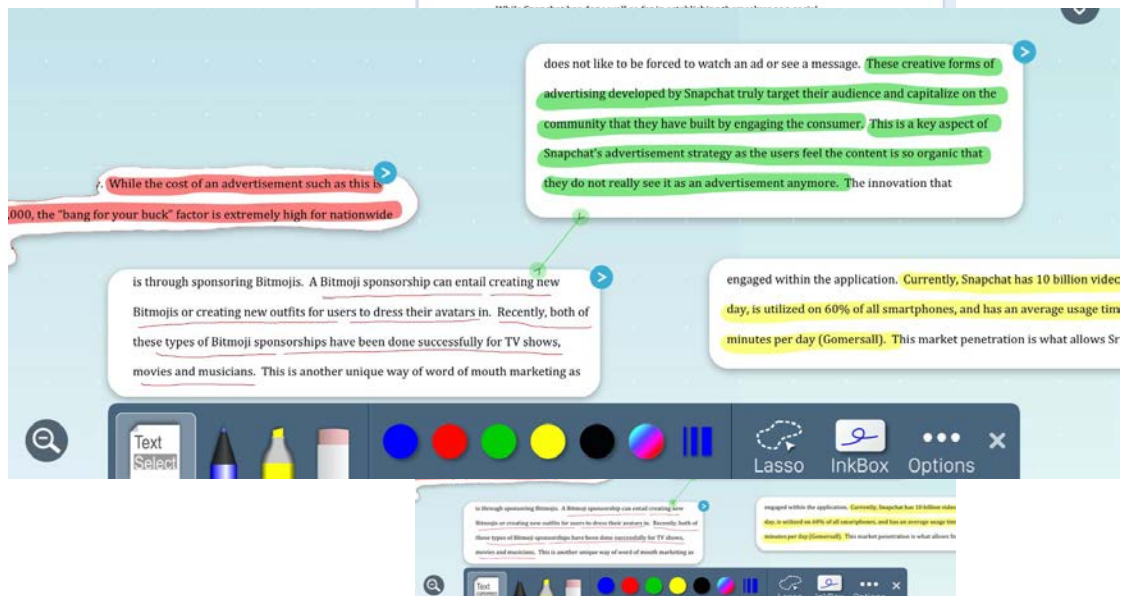


Apple Notes



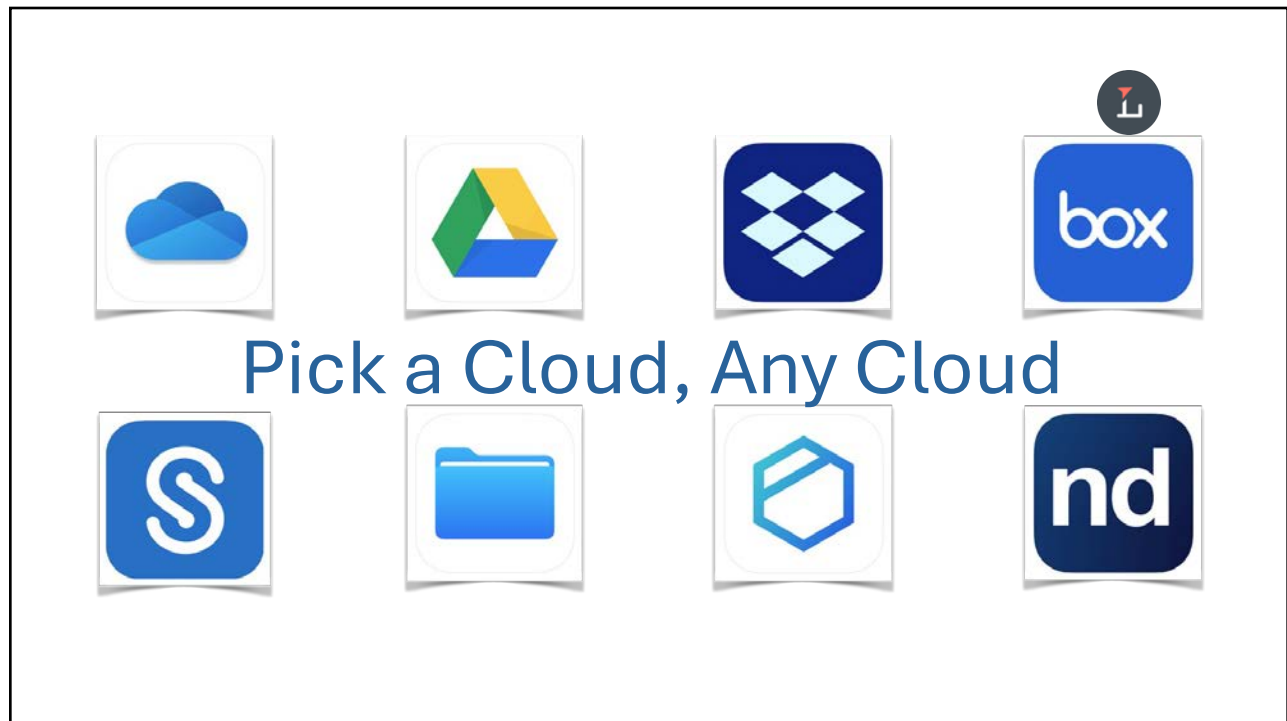
Lawyerist

## LiquidText





Software has Gone  
Subscription



## Cloud File Advantages

- *Access files anywhere*
- *Send docs to clients*
- *Receive docs from clients*
- *Share links to files*
- *Make files available offline*





## Encrypt Your Cloud



# CRYPTOMATOR

[Alternative to Boxcryptor](#), the former recommendation that was purchased by Dropbox.



## Microsoft 365 Desktop Apps & Exchange

Recommended for 2-6 people			
<b>Microsoft 365 Family</b> <b>\$99.99/year</b>		<b>Microsoft 365 Personal</b> <b>\$69.99/year</b>	
<b>Microsoft 365 Business Basic</b> <b>\$6.00</b> user/month	<b>Microsoft 365 Apps for business</b> <b>\$8.25</b> user/month	<b>Microsoft 365 Business Standard</b> <b>\$12.50</b> user/month	<b>Microsoft 365 Business Premium</b> <b>\$22.00</b> user/month
<b>Microsoft 365 E3</b> <small>Get best-in-class productivity apps combined with core security and compliance capabilities for your enterprise.</small> <b>\$36.00</b> user/month (annual commitment)	<b>Microsoft 365 E5</b> <small>Get best-in-class productivity apps and advanced security, compliance, voice and analytical capabilities for your enterprise.</small> <b>\$57.00</b> user/month (annual commitment)	<b>Microsoft 365 F3</b> <small>Formerly Microsoft 365 F1 Empower your frontline workforce with productivity apps and cloud services that allow them to do their best work.</small> <b>\$8.00</b> user/month (annual commitment)	

## Microsoft 365 Desktop Apps only

Recommended for 2-6 people			
<b>Microsoft 365 Family</b> \$99.99/year		<b>Microsoft 365 Personal</b> \$69.99/year	
<b>Microsoft 365 Business Basic</b> \$6.00 user/month	<b>Microsoft 365 Apps for business</b> \$8.25 user/month	<b>Microsoft 365 Business Standard</b> \$12.50 user/month	<b>Microsoft 365 Business Premium</b> \$22.00 user/month
<b>Microsoft 365 E3</b> Get best-in-class productivity apps combined with core security and compliance capabilities for your enterprise. \$36.00 user/month (annual commitment)	<b>Microsoft 365 E5</b> Get best-in-class productivity apps and advanced security, compliance, voice and analytical capabilities for your enterprise. \$57.00 user/month (annual commitment)	<b>Microsoft 365 F3</b> Formerly Microsoft 365 F1 Empower your frontline workforce with productivity apps and cloud services that allow them to do their best work. \$8.00 user/month (annual commitment)	

## Google Workspace

Try Google Workspace for 14 days. And take Gemini for a test drive while you're at it.

Every plan includes: Gmail, Drive, Meet, Calendar, Chat, Docs, Sheets, Slides, Keep, Sites, Forms, AppSheet			
Featured add-on: Gemini			
<b>Business Starter</b> \$6 USD per user / month, 1 year commitment	<b>Business Standard</b> \$12 USD per user / month, 1 year commitment	<b>Business Plus</b> \$18 USD per user / month, 1 year commitment	<b>Enterprise</b> Contact sales for pricing
Start a trial	Start a trial	Start a trial	Contact sales
+ Gemini add-on available	+ Gemini add-on available	+ Gemini add-on available	+ Gemini add-on available
<ul style="list-style-type: none"> <li>✓ 30 GB pooled storage per user*</li> <li>✓ Secure custom business email, you@your-company.com</li> <li>✓ 100 participant video meetings</li> <li>✓ Security and management controls</li> <li>✓ Standard Support</li> </ul>	<ul style="list-style-type: none"> <li>✓ 2 TB pooled storage per user*</li> <li>✓ Secure custom business email, you@your-company.com</li> <li>✓ 150 participant video meetings + recording, noise cancellation</li> <li>✓ Appointment booking pages</li> <li>✓ Email layouts and mail merge</li> <li>✓ Security and management controls</li> <li>✓ Standard Support**</li> </ul>	<ul style="list-style-type: none"> <li>✓ 5 TB pooled storage per user*</li> <li>✓ Secure custom business email, you@your-company.com + eDiscovery, retention</li> <li>✓ 500 participant video meetings + recording, attendance tracking, noise cancellation</li> <li>✓ Appointment booking pages</li> <li>✓ Email layouts and mail merge</li> <li>✓ Enhanced security and management controls, including Vault and advanced endpoint management</li> <li>✓ Standard Support**</li> </ul>	<ul style="list-style-type: none"> <li>✓ 5 TB pooled storage per user, with the ability to request more*</li> <li>✓ Secure custom business email, you@your-company.com + eDiscovery, retention, S/MIME encryption</li> <li>✓ 1000 participant video meetings + recording, attendance tracking, noise cancellation, in-domain live streaming</li> <li>✓ Appointment booking pages</li> <li>✓ Email layouts and mail merge</li> <li>✓ Advanced security, management, and compliance controls, including Vault, DLP, data regions, and enterprise endpoint management</li> <li>✓ Enhanced Support**</li> </ul>

## PDF Program Core Features

- Combining PDFs
- Optical Character Recognition ("OCR")
- Redaction
- Bates Numbering
- Converting to Word
- Annotating
- Reducing File Size
- Creating Fillable Forms
- Digital Signatures



## Windows PDF Programs

	Adobe Acrobat Reader	Adobe Acrobat Standard	Adobe Acrobat Pro	Tungsten (fka Kofax) Power PDF Standard	Tungsten (fka Kofax) Power PDF Advanced	Foxit PDF Editor	Foxit PDF Editor Pro	Nitro PDF Pro
	Free	DC Annual: \$155.88 /yr Monthly: \$22.99 /mo	DC Annual: \$239.88 /yr Monthly: \$29.99 /mo	\$129	\$179	\$109.99 /yr	\$139.99.00 /yr	\$14.99 /mo
Add, Remove, Move, Combine Pages		✓	✓	✓	✓	✓	✓	✓
Edit PDF		✓	✓	✓	✓	✓	✓	✓
Comment and Markup	✓	✓	✓	✓	✓	✓	✓	✓
Redaction			✓		✓		✓	✓
Bookmarks		✓	✓	✓	✓	✓	✓	✓
OCR Text		✓	✓	✓	✓	✓	✓	✓
Keyword Search	✓	✓	✓	✓	✓	✓	✓	✓
Bates Numbering			✓		✓		✓	✓
Export PDF to Word/Export Tables to Excel		✓	✓	✓	✓	✓	✓	✓
MS Office Conversion Plug In		✓	✓	✓	✓	✓	✓	✓
PDF/A for Archiving			✓	✓	✓		✓	✓

## Mac PDF Programs

	Adobe Acrobat Reader	Adobe Acrobat Pro	Power PDF Standard for Mac	Foxit PDF Editor for Mac	Nitro PDF Essentials for Mac	Nitro PDF Pro for Mac	PDF Expert	Preview
	Free	Annual: \$239.88 /yr Monthly: \$19.99 /mo	\$129 /license	Annual: \$109.99 /yr One Time: \$180.00	\$129 / license	\$140 / license (Mac App Store) \$14.99 / monthly (Nitro website)	Annual: \$80.00 /yr One Time: \$140.00	Free (included with every Mac)
Add, Remove, Move, Combine Pages		✓	✓	✓	✓	✓	✓	✓
Edit PDF		✓	✓	✓	✓	✓	✓	✓
Comment and Markup	✓	✓	✓	✓	✓	✓	✓	✓
Redaction		✓	✓	✓		✓	✓	✓
Bookmarks		✓	✓	✓		✓	✓	✓
OCR Text		✓	✓	✓		✓	✓	
Keyword Search	✓	✓	✓	✓	✓	✓	✓	✓
Bates Numbering		✓	✓	✓		✓		
Export PDF to Word/Export Tables to Excel		✓	✓	✓		✓	✓	
MS Office Conversion Plug In		✓	✓					
PDF/A for Archiving		✓	✓	✓		✓		Preview saves as PDF/A, but it's implementation may not comply with the PDF/A specification.
Document Assembly		✓	✓	✓	✓	✓	✓	✓



# 20% Discount

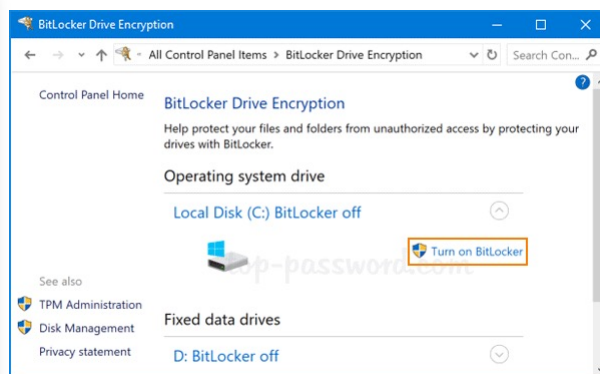
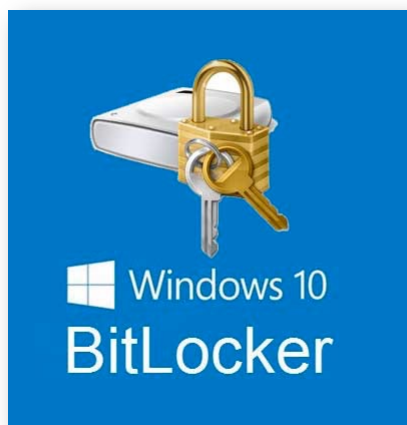
on PDF Manuals

Code: NJBARMEMBER

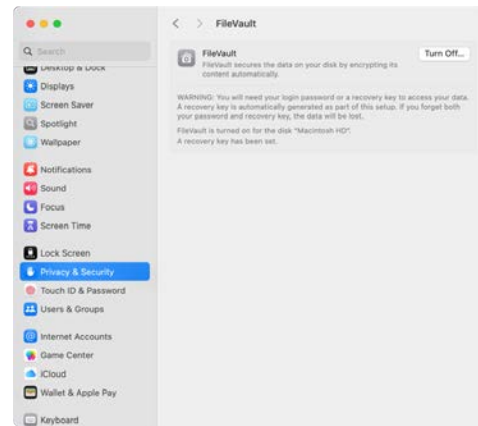




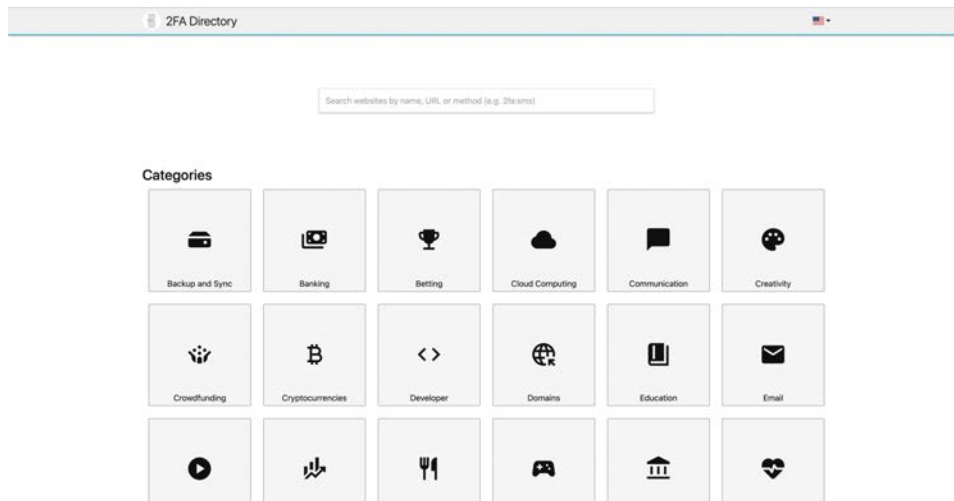
## Encrypt Your PC – BitLocker









## Encrypt Your Mac - FileVault
























## 2fa.directory



## 2fa.directory

Hosting/VPS	Hotels and Accommodations	Identity Management	Insurance	Investing	IoT
					
Legal	Marketing & Analytics	Payments	Post and Shipping	Remote Access	Retail

Legal	Docs	SMS	Phone Calls	Email	Hardware	Software
 Actionstep						✓
 Clio	 					✓
 CosmoLex		✓				
 DocuSign		✓	✓	✓		✓
 Dropbox Sign	 	✓				✓
 Everlaw				✓		✓
 Formstack		✓				✓

 PandaDoc	Tell them to support 2FA:  On X (Twitter)  On Facebook					
 PracticePanther				✓		



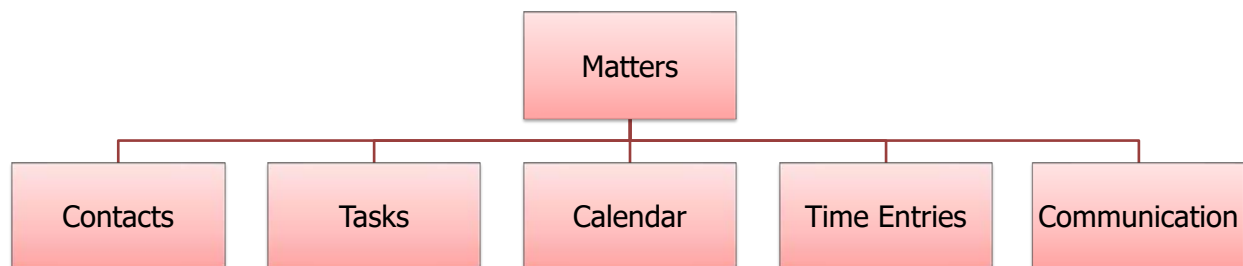
## Law Practice Management Software

Makes the Most Sense When:

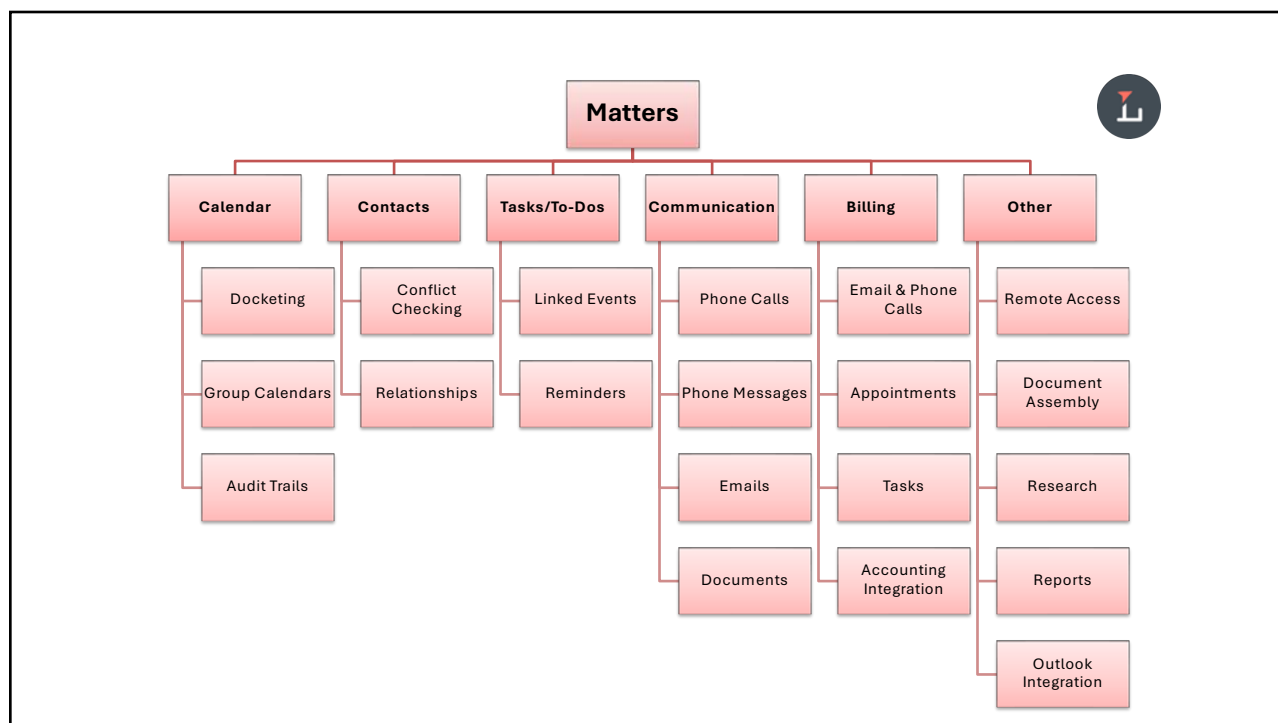
- Need better organization
- Need better coordination among users
- Need better internal communication
- Have lots of deadlines
- Have a high volume of cases



## Organize It All By Matter

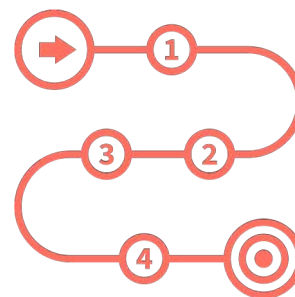






## Programs Generally Include

- File information
- Calendar
- Contact management
- Document & email management
- Document assembly
- Task management
- Billing (always) & accounting (sometimes)



## Feature Considerations

- Case Facts
- Calendar
- Contacts
- Email
- Communication (non-email)
- Tasks
- Documents & Document Templates
- Digital Signatures
- AI



## Law Practice Management Software





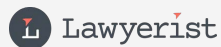
## Consolidated Applications




+




=





## Considerations

*Billing, AP, AR, GL  
Reporting  
Trust Accounting  
Credit Card Processing*


 Lawyerist

[NJSBA](#) | [NJICLE](#) | [NJSBF](#)


[ABOUT](#) | [NEWS](#) | [CONTACT](#)

[LOG IN](#)

[JOIN NOW](#)


**NJSBA**

[Resources](#)
[CLE](#)
[CLE On-Demand](#)
[Meetings & Events](#)
[Career Center](#)
[Membership](#)
[My Links/Handbooks](#)
[CLE Records](#)



**LAWPAY**  
AN AFFINIPAY SOLUTION

### Law Pay

Vetted and approved by all 50 state and more than 70 local and specialty bars, LawPay is proud to be the preferred payment partner of more than 35,000 law firms. Designed specifically for the legal industry, LawPay provides attorneys with a simple, secure way to accept online payments in their practice. LawPay understands the unique compliance and financial requirements placed on attorneys, which is why their solution was developed specifically to correctly separate earned and unearned fees, giving you peace of mind that your credit card and eCheck transactions are always handled correctly. For more than a decade, LawPay has made it as easy as possible for attorneys to receive payment for their services, and NJSBA members receive a three month free trial. To learn more, call **866-730-4140** or visit our [website](#).

Already a member? [Sign in here](#) to access

Not a member? [Join here](#)

 Lawyerist





### More Paper Means...

- Time consuming manual look-ups
  - Big stack of unfiled documents
  - Higher operating costs
  - Lost files and malpractice risk
  - Wasted time (and \$\$\$)
- Stress (Where is that \*!@# file?!)
  - Anger (You took my file without asking!)
  - Accusations (Who wrecked my file?)
  - File protectionism (Don't you touch my files!!)

## Ricoh ScanSnap ix2500 (~\$400)

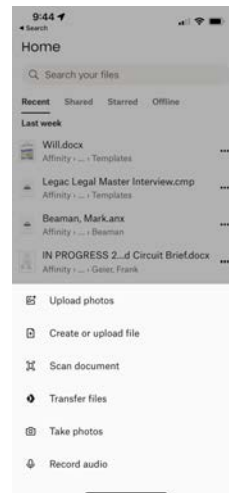
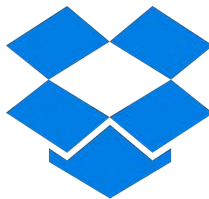
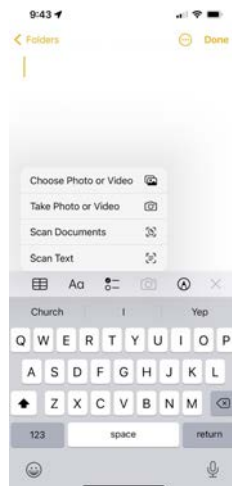
Ricoh ScanSnap ix2500

- 30/60 ppm
- 4.3" Touch Screen
- Scan business cards
- Scan to Word files
- Auto-rotates
- Auto-senses paper size
- Auto-senses color or B&W
- Scans front & back simultaneously

A photograph of the Ricoh ScanSnap ix2500 scanner. It is a compact, light gray device with a black top cover that is open, revealing the scanning bed. A 4.3-inch color touch screen is located on the front of the scanner. The scanner is shown from a three-quarter perspective.



## Scan to PDF from Your Phone (within an app)



## Simple Scan ([website](#))

### Simple Scan

Easy, hassle-free document scanning for iPhone.



Simple Scan



FREE DOWNLOAD | iPhone • iPad

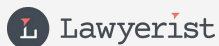
1. What is Simple Scan?
2. Where do I get Simple Scan?
3. What's new with Simple Scan?
4. Documentation
5. Simple Scan Pro
6. Support
7. Screenshots

#### What is Simple Scan?

Do you love the Apple Notes document scanner, but would you like more flexibility in sending the scans to email, messages, files, or other apps? Then Simple Scan is for you. Simple Scan is the quick, easy way to scan paper documents to optimized, searchable PDF documents (or images) and send them almost anywhere.

#### Features include:

- Same great scanning functionality as Apple Notes, but no need to clutter your notes data with one-off scans.

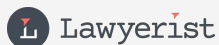
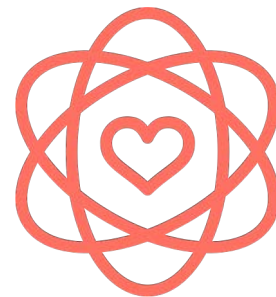


## Search Program or DMS

### Two Methods

- Plain folders + search utility
  - e.g., X1 Search (Windows) or HoudahSpot (Mac)
- Document Management System (DMS)
  - e.g., NetDocuments or iManage

Regardless, all electronic files need to be in the Same System.

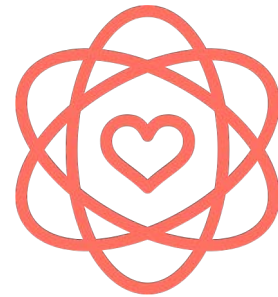


## Document Creation Problems

Word processor used as a glorified typewriter

Standard method has high margin for error

Faster, more accurate drafting = higher profit



## Most People Find, Rename, & Modify

- Relies on Memory (who did I do this for last)
- Errors of Omission (forget to add)
- Errors of Inclusion (forget to remove)
- Miss Items that Should Change (he/she)
- Starting-Point Document is Often Compromised



## Find, Rename, & Modify

### ARTICLE IV. - APPOINTMENT OF EXECUTORS:

A. I nominate my wife SANDRA M. BOSEMAN, as Executor of this, my Last Will and Testament, and request that **he** be required to give no bond for the performance of **his** duties as such.

B. If for any reason SANDRA **N.** BOSEMAN should fail to become my **Co-Executors** or **cease** to act in such capacity after being appointed as such, then I nominate BERNARD S. BOSEMAN (of Wooster, OH) as successor Executor with all the same powers and duties and request that no bond be required of him as such Executor.



# Create Templates

with “gold standard” language



**[MUTUAL] CONFIDENTIALITY AND NON-DISCLOSURE AGREEMENT**

**Opening Commentary:** If the agreement is one way, then we define the Discloser and Recipient in the opening paragraph. If the agreement is mutual, then we do not need to define or abbreviate our party names, because they will only be specified four times – in the opening, in the notice section, in the signature, and in the joinder.

This [mutual] confidentiality and non-disclosure agreement is dated [Month Day, Year,] and is between [\_\_\_\_\_, identify type of entity] [Delete if Mutual ("Discloser")], and [\_\_\_\_\_, identify type of entity] [Delete if Mutual ("Recipient")].

**Background Commentary:** The idea here is that if we have a mutual agreement, we are going to establish a setup where either party could be a discloser or a recipient depending on who discloses the information and who receives the information. If it is a one way agreement then we define discloser and recipient in the opening.

The parties wish to explore a business opportunity of mutual interest involving [describe what is going on: sale of business, product development, consulting arrangement, joint venture, etc.] ("Business Opportunity"). [USE THIS LANGUAGE FOR A ONE-WAY AGREEMENT: In connection with the Business Opportunity, Discloser may disclose to Recipient, and Recipient may have access to, certain information that Discloser desires Recipient to treat as confidential. Recipient agrees to the terms herein in order to induce Discloser to disclose the information.] [USE THIS LANGUAGE FOR A MUTUAL AGREEMENT: In connection with the Business Opportunity, each party may disclose to the other, and each party may have access to, certain information that the party disclosing ("Discloser") desires the receiving party ("Recipient") to treat as confidential. Each of the parties may be considered a Discloser in one instance and a Recipient in another instance, based upon which party is provided or obtaining information. The parties are entering into this agreement in order to induce one another to disclose confidential information to enable them to explore the Business Opportunity.]

## Template Example

### ARTICLE XI APPOINTMENT OF GUARDIAN OF MINOR CHILDREN

[if sole initial guardian]

A. \_\_\_\_\_, [if married client] If my spouse is deceased and I am survived by minor children, [END IF] I nominate [Guardian Relationship to Testator], \_\_\_\_\_, of \_\_\_\_\_, \_\_\_\_\_, to serve as the Guardian of the Person of my minor children.

[otherwise if co-guardians who can serve alone]

A. \_\_\_\_\_ and \_\_\_\_\_. [if married client] If my spouse is deceased and I am survived by minor children, [END IF] I nominate [Guardian Relationship to Testator], \_\_\_\_\_, of \_\_\_\_\_, \_\_\_\_\_, and [Guardian Relationship to Testator], \_\_\_\_\_, of \_\_\_\_\_, \_\_\_\_\_, to serve as the Guardian/Co-Guardians of the Person of my minor children. If either \_\_\_\_\_ or \_\_\_\_\_ is unable or unwilling to act as Co-Guardian of the Person of my minor children, then the one who is able to serve shall serve as the sole Guardian of the Person of my minor children.

[otherwise if co-guardians who cannot serve alone]

A. \_\_\_\_\_ and \_\_\_\_\_. [if married client] If my spouse is deceased and I am survived by minor children, [END IF] I nominate [Guardian Relationship to Testator], \_\_\_\_\_, of \_\_\_\_\_, \_\_\_\_\_, and [Guardian Relationship to Testator], \_\_\_\_\_, of \_\_\_\_\_, \_\_\_\_\_, to serve as the Guardian/Co-Guardians of the Person of my minor children. It is my intention that these nominees act as Guardian of the Person of my minor children only if they are able to act together.

[end options]

## Templates Contain

- Every provision in the order they could occur
- Changeable text consistently identified
- Optional text identified (beginning and end)
- Inclusion test explained (what considerations?)



The screenshot shows the Affinity Law interface. The 'List Documents' section is active, displaying a table of documents. A red dashed arrow points from the 'List Documents' header to the 'Document from template' option in the 'NEW' dropdown menu.

Name	Matter	Category	Received date	Last Ex	#
Charlie J. Bucket			4/29/2020		
Danielle Davis			4/29/2020	Danielle DavisRoe	
John Q. Public			4/9/2020	Jeffrey Schoenberger	
Doc Brown			3/26/2020	Jeffrey Schoenberger	
Anne Grant			3/26/2020	Jeffrey Schoenberger	



# 20% Discount

on [MS Word Manuals](#)  
Code: NJBARMEMBER



## Closing a Firm



**Succession Planning** is preparing for the *expected exit* from the practice of law.



What if  
there is no plan?



**Contingency Planning** is preparing for the *unexpected exit* from the practice of law.



**If you don't have a plan,  
you're not alone.**

More than 50% of the legal workforce is  
age 55 or  
older



only 26% of law firms  
have succession plans in place for

key leadership





more than 60%

of law firms rely on

**informal**  
succession process





1) Create your  
Timeline?



## 2) Stick to the Timeline



## 3) Collect Accounts Receivable



## 4) Keep Clients Informed



## 5) Tell Others in the Firm



## 6) Tell Everyone Else



## 7) Address Insurance Issues



## 8) Address Subscriptions & Files (open & closed)



## 9) (re) Reconcile & Close Trust Account





10) Forward  
Mail, Calls, &  
Emails, etc.



Download &  
Review the  
Lawyers Mutual  
Checklist

[click here](#)





## Relevant Rules

### 1.3 – Diligence ( w/ Opinion 692 & Supplement)

- ▶ “[A] sole practitioner has an ethical duty to plan for the disposition of files in the event of his/her death or retirement.”
- ▶ Obligation to inform clients of sole practitioner’s cessation or interruption of practice by death or disability [per ABA model]

## Have a Plan

The ABA suggests not having a plan for death or disability is a matter of neglect and subject to disciplinary action...including potentially sanctioning the deceased lawyer to spur living ones to make their own plans.



## ABA Provides No Explicit Plan Guidance

At a Minimum:

1. Designate another lawyer who would look over the deceased lawyer's files and make determinations as to which files need immediate attention; and
2. Provide for notification to the deceased lawyer's clients of their lawyer's death.

This other attorney is the “assisting attorney”



## Obligations of the “Assisting Attorney”

1. Duty to Inspect the Files
  - Determine which files need immediate attention and reach out to clients.
2. Duty to Maintain the Files
  - Should not destroy or discard items that
    1. Clearly or probably belong to the client, including originals
    2. Information the lawyer knows or should know may be necessary or useful for an issue where the statute of limitations has not run.
  - Electronic storage benefits here



## Obligations of the “Assisting Attorney”

1. Duty to Inspect the Files
  - Determine which files need immediate attention and reach out to clients.
2. Duty to Maintain the Files
  - Should not destroy or discard items that
    1. Clearly or probably belong to the client, including originals
    2. Information the lawyer knows or should know may be necessary or useful for an issue where the statute of limitations has not run.
  - Electronic storage benefits here



## Obligations of the “Assisting Attorney”

Does Not Automatically Represent the Clients

Any agreement between the deceased and assisting attorneys governs this.



## Unclaimed Funds in Trust

Rule 1:21-6(j)

- > 2 years pass & funds remain unidentifiable, unclaimed, or for which owners are missing
  - Search for the beneficial owner
- If the owner cannot be located after > 1 year, pay to the Clerk of the Superior Court for deposit to the Superior Court Trust Fund
  - Held for the beneficial owners or ultimate disposition by Supreme Court order



## With this Knowledge...Build a Plan

- Address the issue in retainer agreements, so clients are aware of your plan.
- Make an agreement with your chosen “assisting attorney” and “authorized signer” for trust account.
- Prepare a limited power of attorney for law office bank accounts and incorporate it into the agreement. This is for disabled attorney.
- Prepare a provision in your will to authorize executor to carry out agreement. This is for deceased attorney.



## Problems Assigned Attorneys Encounter

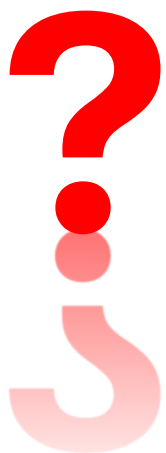
- |                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                               |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"><li>• No file list</li><li>• No computerized records, particularly for trust</li><li>• Associate attorney (if present) lacks authority to act<ul style="list-style-type: none"><li>–Often reliant on support staff or bookkeeper</li></ul></li></ul> | <ul style="list-style-type: none"><li>• Deceased attorney’s estate responsible for the expenses<ul style="list-style-type: none"><li>–The estate administrator cannot run the firm. Must have a trustee for the practice.</li></ul></li></ul> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|





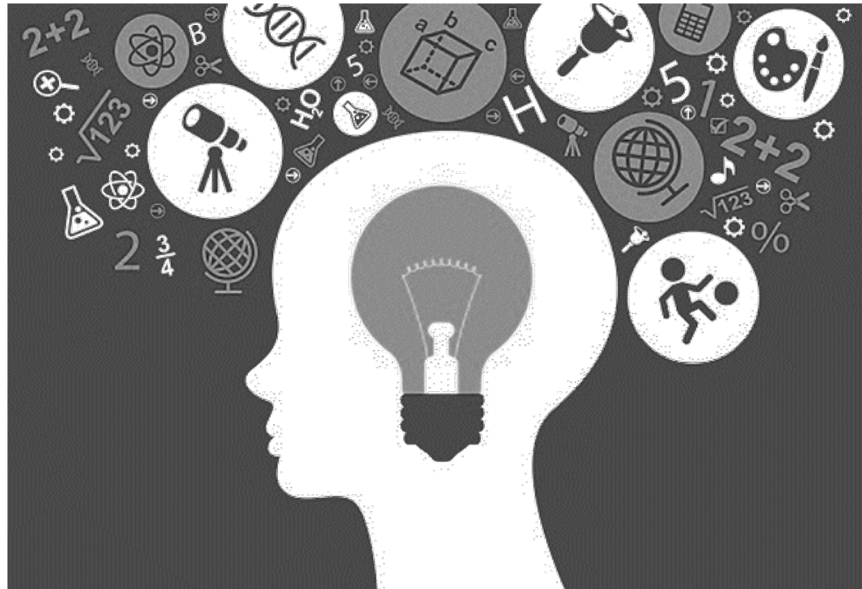
## Considerations – Sell or Merge

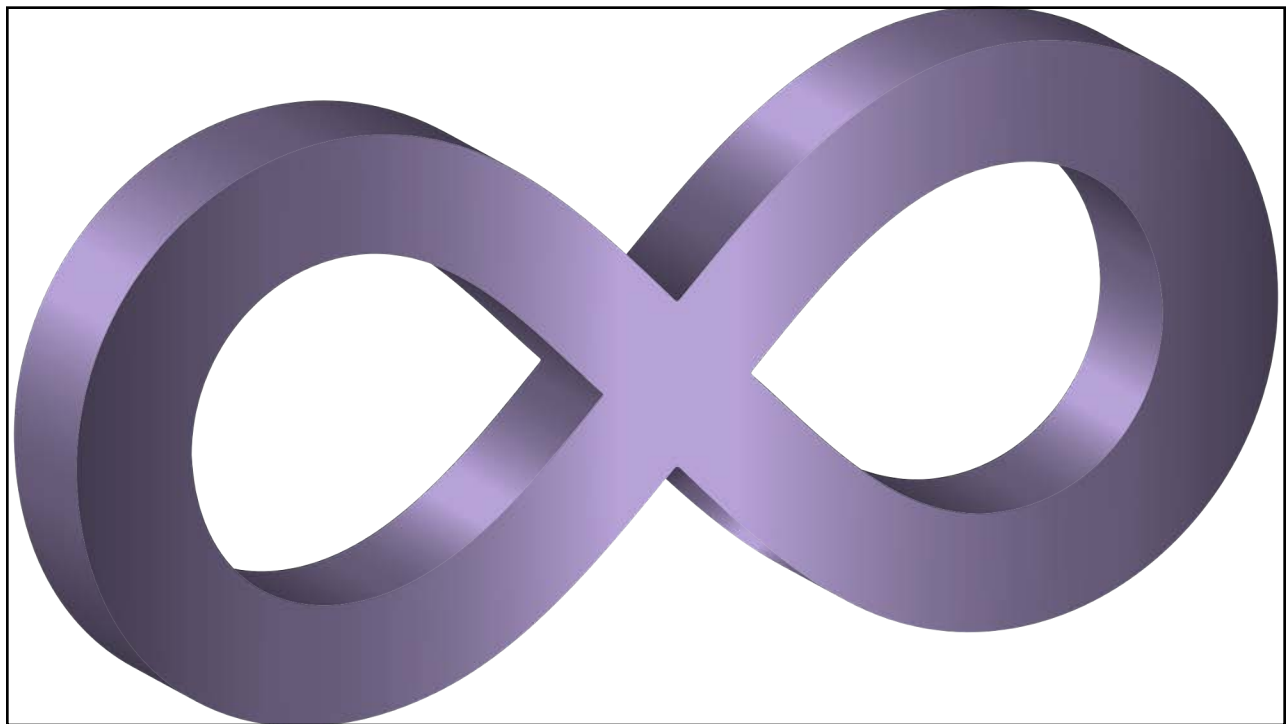
- “Big 3” Issues
  - Price, Payout, & Workout (your role after the sale)
- A stable, loyal client base is easier to value than a single-transaction client base.
- Possible Valuations:
  - Present value of future estimated gross fees
  - A calculation of actual gross fees for year 1-3 after transaction closes
  - A combination of those plus “goodwill”
- Review RPC 1.17 on Sale of Law Practice



What **questions**  
do you need to ask?

# #1 EXPERTISE



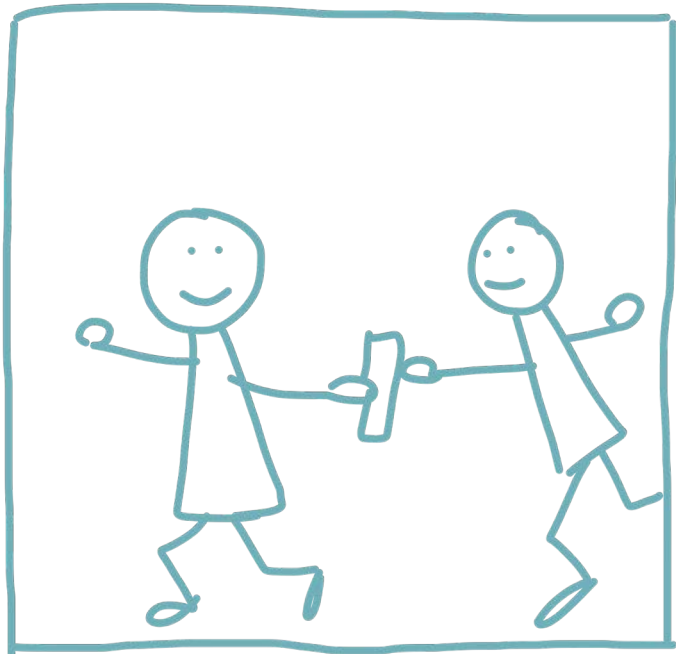


## #2 CLIENT RELATIONSHIPS

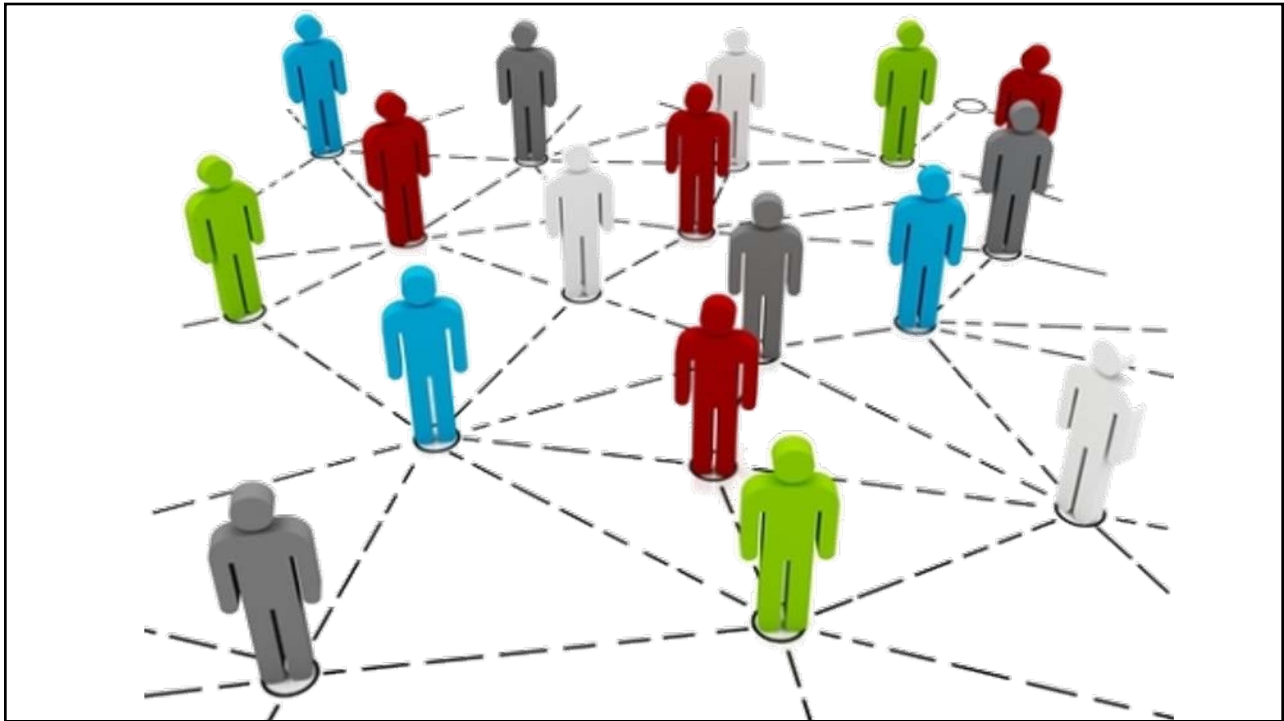




### #3 REFERRALS

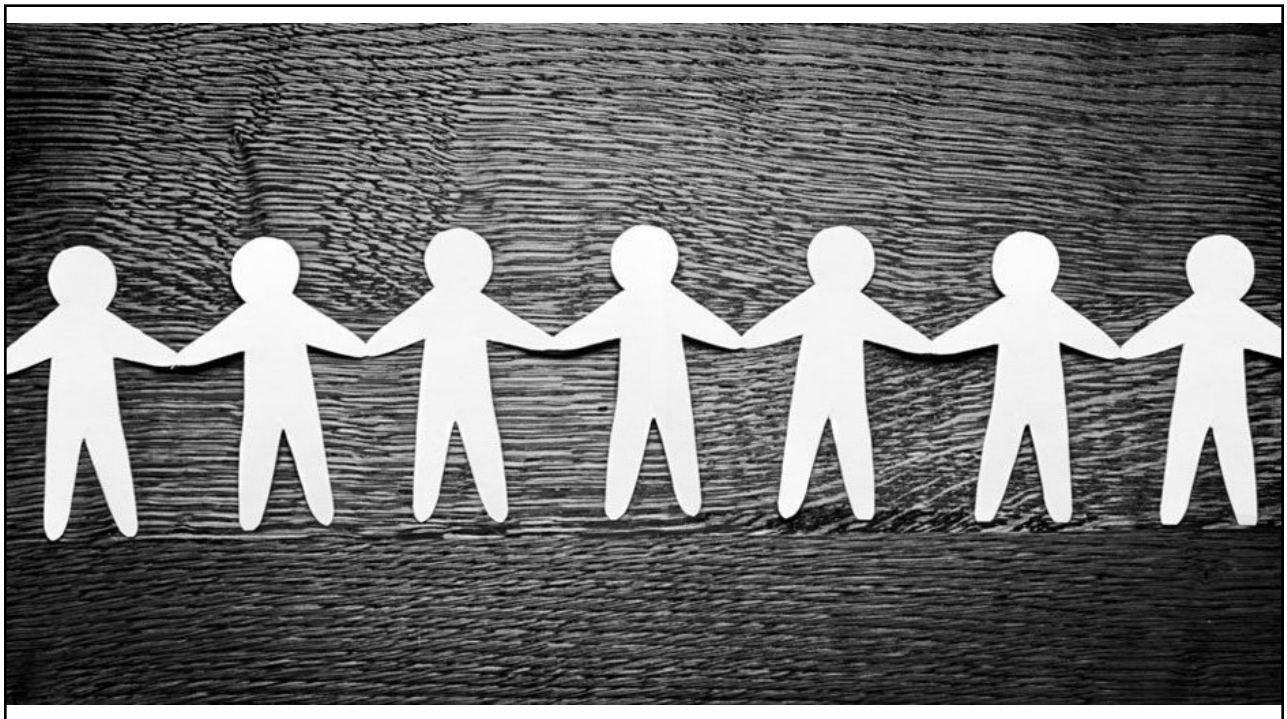




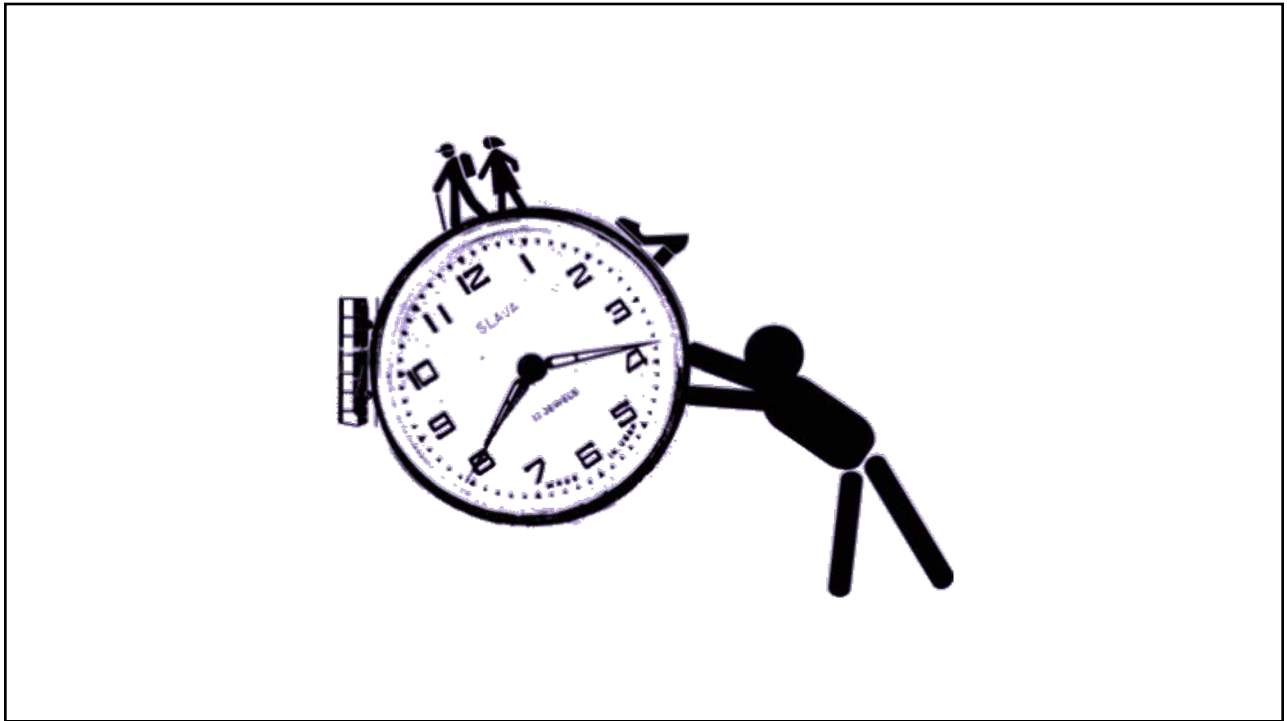


## #4 COMMUNITY

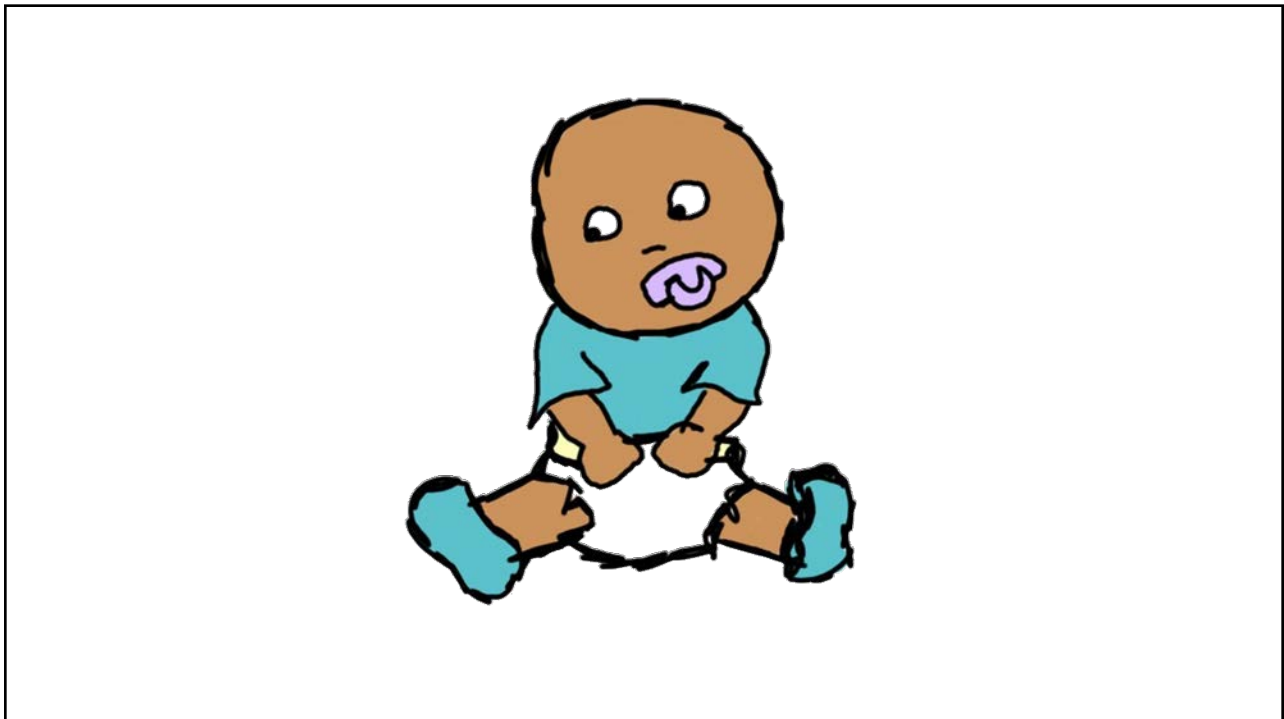








## #5 LEADERSHIP











## Take-Aways

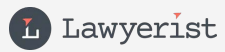
- Plan first.
- Start with reliable hardware and affordable software.
- Let firm size and practice area dictate which legal-specific tools you add.





[Jeff@lawyerist.com](mailto:Jeff@lawyerist.com)

(the key is to just get started)



Lawyerist

## WHY SUCCESSION PLANNING MATTERS

Succession planning is planning for the expected exit from the practice of law. What if there is no plan? Consider what would happen if someone won the lottery, moved to the Caribbean, and threw their phone in the ocean over night? You cannot plan for succession without contingency planning. Contingency planning is planning for the unexpected exit from the practice of law.

When succession planning, be sure to address: (1) expertise, (2) client relationships, (3) referral sources, (4) community involvement, (5) firm leadership, and (6) financial planning. Ask the hard questions: which practice areas have no backup? If a client's attorney was not available, who at your firm would that client call? Are all of your attorneys building referral sources? Are your attorney spending the right amount of time in the right community involvement? Who will be the firm's next managing partner? Does your compensation structure account for practices slowing down as attorneys approach retirement?

Planning takes time - so start now, before you need a plan. Create processes around expertise, client relationships, referral sources, community involvement, and firm leadership. The entire firm needs to be rowing in the same direction. Keep in mind that younger attorneys will need guidance and support from more experienced attorneys. Set obtainable goals and hold attorneys accountable toward meeting their goals. Be sure to celebrate success.

With the proper planning, your firm will benefit from better attorney retention, better client retention, better firm knowledge retention, an exit pathway for partners, a culture of succession, and statutory compliance in those jurisdictions that require a written contingency plan. Additionally, with the proper planning, the founding partners will leave a legacy - a firm that lasts beyond their retirement.

# THE RAINMAKER INSTITUTE

## 8 PROVEN STEPS TO DOUBLE YOUR REFERRALS

*By Stephen Fairley*

For many law firms, referrals are the gold standard when it comes to obtaining new clients. However, too many firms rely on random referrals, which is just what the term implies ... referrals that may or may not come. A strong referral base is only built over a period of time, and is based on cultivating long-term, meaningful relationships with reliable sources. Most referral sources will only send you referrals if they know you send referrals back to them.

### HERE ARE FIVE FUNDAMENTAL KEYS TO INCREASING REFERRALS

#### DO NOT TRY TO BE A GENERALIST

The fastest way to lose referrals from other professionals is by practicing several different kinds of law. In fact, every practice area you add over your primary one will cost you many, many referrals over time. For example, if most of your practice is transactional business law, and occasionally you take on a litigation matter for an existing client, but you introduce yourself at networking events and on your website as someone who does business transactional and commercial litigation, every litigation attorney will now see you as a competitor, not a potential referral source.

#### ACTIVELY BUILD RELATIONSHIPS WITH AT LEAST FIVE TO 10 NEW REFERRAL SOURCES EACH YEAR

I know, it's easier said than done, but the best way to have your practice "crash and burn" is to totally rely on a handful of referral sources. As the saying goes, "it's not a matter of if, but when" one or more of your referral sources will dry up. Make it your goal to meet and develop at least one new referral source per month, then cultivate that relationship by staying connected every month. Remember, referrals are a numbers game. Not every referral source will be in a position to send you a referral every month, so if you are relying on three to five people to send you the bulk of your business, you can rest assured that you will have some really slow months. The most vibrant practices, have a constant influx of new referral sources on a regular basis.

#### KEEP IN TOUCH ON A CONSISTENT BASIS, AT LEAST FIVE TO 10 TIMES PER YEAR

This can be a combination of a "reconnecting" email, commenting on their LinkedIn or Facebook post, sending out a monthly newsletter, making a phone call, going to lunch, sending small thank you gifts, and visits to their office twice per year. If you want to build a thriving network of attorney referral sources, you must be prepared to go out of your way to generate referrals for them as well.

Developing a relationship is a two-way process. It can't just be you asking your legal peers for referrals when you see them. It requires regular contact, and you showing as much concern for their business, as you are asking them to show for yours.

#### SEND A THANK YOU CARD OR GIFT FOR EVERY SINGLE REFERRAL THEY MAKE

I recently sent a referral to a new Google pay-per-click company I just met here in the Valley. Within a week I had received a thank you note and a box of brownies... and so did my assistant. It was a very nice touch, and made a big

impression on me. Since then I've sent them three more referrals. Say 'thank you' every single time, regardless of whether you land the client or not.

#### DO NOT JUST RELY ON OTHER ATTORNEYS FOR REFERRALS

Many of the best referral sources can be outside of the legal industry. For example, if you are a divorce attorney, develop relationships with psychologists and marriage and family counselors. If you are a criminal defense attorney, connect with substance abuse therapists. If you are a real estate attorney, seek to build relationships with commercial real estate brokers. If you are a business attorney, attend networking events filled with CPAs. If you are an estate planning attorney, reach out to financial advisers and planners. Be willing to look outside of your existing network to other non-legal professionals.

### HERE IS THE EIGHT-STEP REFERRAL SYSTEM I HAVE TAUGHT THOUSANDS OF ATTORNEYS

#### IDENTIFY YOUR BEST POSSIBLE REFERRAL SOURCES

These will be other attorneys (not competitors) and non-legal professionals, with a similar clientele to yours. I've mentioned several examples above. Remember, choose those with a growing business (not at the end of their career, winding things down), maintain close connections with their clients, do excellent work, and maintain a great reputation (both online and offline). Also, it's important to work with those you feel comfortable with, and who describe their best clients in similar terms as you.

#### CREATE A DATABASE OF 100-200 PROFESSIONALS IN YOUR LOCAL AREA

This should include every person who has ever referred someone to you, as well as your identified best possible referral sources. Some good resources include LinkedIn, Superpages.com, Avvo.com and your local or state trade associations.

#### CREATE A "LETTER OF INTRODUCTION" TEMPLATE

Here's an example:

Dear noncompeting attorney with a tax practice,

My name is \_\_\_\_\_ of the law firm \_\_\_\_\_ in (city, state). I'm writing to see if you would be interested in getting together to learn about each other's services and respective target markets. It is my hope, that such a meeting can lead to the creation of a referral relationship that would benefit both of our firms.

We have been in business since \_\_\_\_\_, and we focus our practice on (your area of practice).

Many of our clients ask us for referrals to trusted and experienced tax attorneys who can help them protect the wealth they're creating through their real estate holdings. For our part, we are constantly looking to expand our network of professional advisers in the local area, from whom we can identify potential referrals for our clients.

For more information about our firm, we invite you to visit our website at:

\_\_\_\_\_

In the next week, our office will call to see if you are interested in meeting. I look forward to exchanging ideas with you.

Sincerely,



### HAVE YOUR ASSISTANT MAIL OUT 10-20 LETTERS PER WEEK ON YOUR LETTERHEAD

Do not send a bunch of letters at once – pace yourself. Many attorneys ask if it has to be a mailed letter. No, it does not, but in many cases you will get a better response. Most professionals will open a letter from an attorney. There is an over-reliance of email, and fewer people are sending mail these days so it stands out. Email can get lost. You may also want to try sending an “In mail” using LinkedIn, if you are a proficient user of LinkedIn.

### FOR EACH LETTER YOU SEND OUT, HAVE YOUR ASSISTANT MAKE THREE TO FOUR FOLLOW-UP CALLS

The purpose of this call is two-fold: to confirm their interest in getting together, and to set a time. This is not direct solicitation or a sales pitch – it is simply a follow-up call to see if they are interested. Call them once per week, for three to four weeks before giving up.

Prepare a simple phone script for your assistant and make sure he or she has answers to simple questions about your law firm: How long have you been in practice/ business? Who is your ideal client? Where are you located? What’s your primary practice area? What’s your website URL? How did you find my name/contact information?

Be sure your assistant asks a few questions of your potential referral source: Who is your ideal client? What kind of client do you enjoy working with the most? Do you currently have a \_\_\_\_\_ attorney you refer cases/clients to? Are you open to discussing developing a referral relationship with a law firm like ours if there’s a good connection? Do you seek to make referrals to other non-competing professionals? How many clients do you serve in a typical year? Where is your office located?

If they are not interested, tell them, “No problem. I’m sorry to have bothered you. We will immediately remove you from our list of referral sources.”

Here’s the truth ... the vast majority will welcome your call! We have made thousands of follow-up calls for our clients, and scheduled hundreds of face-to-face meetings, and only a handful have said ‘No.’ Remember, this is not a sales pitch; it’s just lunch!

Another option is to set up a brief meeting at first, just to see if there’s a good connection. Offer to meet them at their office for 30 minutes (lower risk and very convenient for them, plus you get to see their office and meet their team). The first meeting or two, needs to be face-to-face, in order to establish rapport and build the relationship.

It might take your assistant several calls just to get through. Don’t get discouraged! Remember, they are very busy professionals just like you.

### THE GOAL IS TO SET THREE TO SIX FACE-TO-FACE MEETINGS PER MONTH

At the face-to-face meeting you want to spend 80 percent of the time getting to know them and their practice, to determine if it’s a good fit.

Ask lots of questions: How did you first get started in \_\_\_\_\_? What do you like best and least about your work? What’s the biggest challenge you are facing? How do you find most of your clients? What does your typical client look like?

And the most important referral question of all: How would I know if someone would be a great referral for you?

### INVITE THEM TO A SECOND MEETING IF THE FIRST MEETING GOES WELL

If your initial meeting goes well, immediately invite them to a second one, where you can go into more detail about your practice area and how the two of you could start cross-referring business.

Remember, you cannot promise them referrals, you cannot guarantee referrals, nor can you pay them a referral fee (unless they are an attorney and you meet your state’s guidelines)! However, the vast majority don’t want a referral fee, nor will their professional code of ethics doesn’t allow one. They want a referral in return.

## FOLLOW UP!

When it comes to getting more referrals from other professionals, the fortune is in the follow up! Here are some tips:

- Send an email immediately after you meet with them. Send it the same day when possible.
- Send a handwritten thank you card or form letter about 2-3 days after your initial meeting.
- After your meeting put a “to do” or task item in your Outlook for approximately 6-8 weeks after your initial meeting.
- Set up “lunch and learns” where several professionals informally get together over lunch to exchange leads, discuss business, and encourage each other.
- Make your next meeting more about the relationship than business. Meet at the golf course, over drinks or a casual place.
- Send them a copy of your published articles.
- Create and send out a separate, monthly newsletter just for referral sources.
- Use social media to stay connected – invite them to connect to you on LinkedIn, Facebook, Twitter, etc.

I have taught this easy step-by-step system to thousands of attorneys, who have used this exact process to quickly build networks of 50-60 new referral sources in 90 days.

Imagine what would happen to your law practice, if you could have 10, 20, 30, or more new referral sources every single year, consistently sending you new clients. It can happen, by creating a referral system that delivers real – not random – results.

---

*Two-time international bestselling author, Stephen Fairley is CEO of The Rainmaker Institute LLC, the nation's largest law firm marketing company specializing in marketing and lead conversion for small to medium law firms. Over 18,000 attorneys nationwide have benefited from learning and implementing the proven Rainmaker Marketing System. Over the last 16 years, he has become a nationally recognized legal marketing expert and been named, America's Top Marketing Coach. He has spoken numerous times for over 35 of the nation's largest state and local bar associations and has a large virtual footprint with his highly successful Rainmaker legal marketing blog and has over 200,000 followers on Facebook, Twitter and LinkedIn. For more information, please visit [www.TheRainmaker-Institute.com](http://www.TheRainmaker-Institute.com) or call (888) 588-5891.*

# THE RAINMAKER INSTITUTE

## HOW TO MAKE YOUR WEBSITE THE HUB OF A SUCCESSFUL ONLINE LEGAL MARKETING STRATEGY

*By Stephen Fairley*

It is an undeniable fact that if you do not have a robust online presence, you are risking irrelevance. Without an online presence, your law firm is not even part of the discussion for the 75 percent of consumers who are looking for an attorney online. And yet, there are still attorneys who look at their online strategy as a “money waster” instead of a powerful marketing opportunity. Why? Most likely because they have been taken advantage of by one of the 800 pound gorilla SEO companies who lock you into three-year contracts with their “proprietary content management system” or perhaps they didn’t have clear expectations and goals when they launched their Web presence or maybe there was no accountability with their Web company. I come across attorneys every day who have poured tens of thousands of dollars into SEO and PPC only to get very little in return. On the flip side, there are attorneys out there who have had massive success with their website, bringing a steady stream of new clients into their practice.

All Websites Are Not Created Equal! We have worked with over 18,000 attorneys and we have encountered just about every kind of website there is. There are some that are great, many that are mediocre, and a lot of the ugly and ineffective. As you can imagine, the attorneys who have the bad websites are the ones who think online marketing is a waste of money! And for them, it becomes a self-fulfilling prophecy!

So what makes the difference between a great website and an ineffective one? It all starts with the planning that goes on when the process begins. Let me clear this up right away.

The purpose of a law firm website is to grow revenue by attracting a steady stream of the right kind of clients to your practice.

Stephen Covey, author of the book, “The Seven Habits of Highly Effective People,” says that one of the cardinal rules is to “begin with the end in mind,” The “end in mind” you should be thinking about when deciding on a website is, how will my website generate quality leads?

Are there other desirable outcomes from your website? Sure, here are a few:

- Increase your law firm’s brand.
- Create awareness of your law firm.
- Promote your services.
- Schedule appointments.
- Provide client support.

But please understand that all these points are moot if you do not get enough new clients coming through your doors and the No. 1 goal of your website is lead generation. So if your website is not producing the results you want, here is a thinking guide that can be a roadmap for you and your partners to follow that is actually the process we use with our legal consulting clients.

## WHAT ARE YOUR WEBSITE GOALS?

The primary goal of your website is to generate qualified leads. These leads will never be as qualified as a referral, but over time Web leads can exponentially outweigh the number of referrals you receive. From the beginning you want to set up measurable and realistic goals. For example, a 25 percent increase in the number of unique visitors per quarter, which leads to 10 new inquiries per month. Try to start out with modest goals; I have seen some firms that set unrealistic goals for a website (get on the first page of Google in 90 days) and quickly lose interest when they fail to hit those unrealistic targets.

## WHAT DO YOU WANT ON YOUR WEBSITE – CHOOSE YOUR WEAPONS!

There are many features you can add to your website; some make more sense for certain kinds of practices. As you might imagine, some of the things you would expect to find on a personal injury firm's website may not work on a business litigation website. Below is a list of features you should consider adding to your website.

### VIDEO

This is a proven conversion tool! Law firms that use video on their website convert more traffic into leads and Web visitors stay longer with video.

### INSTANT CHAT

Law firms who use live, monitored chat on their website typically receive 10-30 more leads per month.

### SOCIAL MEDIA FEED

If you are active on social media (Facebook, LinkedIn, or Twitter), you can connect your website to your social media account and have it live stream your updates.

### FREE RESOURCES

This can be a free e-book, PDF or even a printed, self-published booklet. The topic must be something of perceived value to your prospects.

### BLOG

If you want to drive more traffic to your website than start updating your blog at least three to five times per week with unique articles.

### NEWSLETTER SIGNUP

Every law firm should send out a monthly electronic newsletter to keep in touch with potential clients, former clients and referral sources.

If one of your goals is to build a big list of possible clients, free resources and a monthly newsletter work better than anything! Offer a free report in exchange for the prospect's name and email address and you can quickly build a list of people who have "raised their hand" as someone who is potentially interested in your services.

Our clients have found live chat on their website to be the absolute best conversion tool! One of our family law clients was getting three to five good leads per month off their website ... until they started using live chat. In the first month of use, this firm had over 20 qualified leads – just off live chat. The next month, he received 35 leads from chat and it's been steadily increasing since then! We are a firm believer in live chat as one of the most cost-effective tools to generate more leads from your website. However, be aware that with instant chat, you must have someone who is watching for the leads to come in and responding to them as fast as possible. If you want more information on the live chat service we use visit [www.RainmakerChat.com](http://www.RainmakerChat.com).

## WHAT 'LOOK' DO YOU WANT YOUR WEBSITE TO HAVE?

The look of your website will play a more important role in its success than you might imagine. Numerous studies show that you have less than 30 seconds to turn a browser into a visitor upon arrival on your website. Some studies have reported it to be much less. Your website must appear clear, clean and professional for it to be deemed credible and trustworthy or your visitors won't spend any time there. Website design is a constantly evolving field. If you haven't refreshed your website in the last three years, make it a priority to get started this year.

In order for you to know the look and feel you are after, you want to study your target audience, your perfect client. Keeping in mind your perfect client, consider some of the following styles:

- Corporate
- Warm and friendly
- Hi-tech and modern
- Conservative
- Small, personal office
- Large law firm presence

A firm specializing in business litigation would probably want to use more of a corporate, conservative, and large presence type of style, while a solo divorce attorney might choose the warm, personal and friendly style.

## WHO IS GOING TO WRITE ALL THAT CONTENT?

Not everyone is good at writing the kind of content that can stir other people into action. The job of your home page copy is to intellectually connect with the visitor about a future outcome that is good for them, and then make them emotionally committed to take action to achieve that future outcome. That isn't as easy as it may sound!

## THOU SHALT NOT BE BORING!

Keep in mind that if someone is on your law firm's website, they aren't just cruising around with nothing better to do. They are there because they have a problem that they believe you may be able to solve. Your copy needs to convince them you have the solution to their problem, and that has to come up very early in the conversation to keep them on your website. This is crucial; the people who land on your website are looking for the solution to their problem!

You will have to decide whether to write your own copy, or have a professional assist or do it for you. Your content is crucial and this can make the difference between a website that delivers and one that doesn't.

We usually recommend to clients that they use the services of a professional copywriter because attorneys may know the law, but their writing is often too technical and stale to motivate a Web visitor to pick up the phone and call.

## YOU ARE NOT YOUR CLIENT!

They don't think like you; they don't research like you; and they don't buy like you. A good copywriter knows how to talk and think like your prospect. A good copywriter will help you convey all your best thoughts and create a strong connection with your prospective clients.

## HOW WILL THE SEARCH ENGINES KNOW ABOUT MY WEBSITE?

Getting Google to rank your website high is a much harder task than you might imagine. In fact, there is an entire industry that has been created based upon helping businesses get their websites ranked high on the search engines. Search Engine Optimization (SEO) is a multibillion-dollar industry. There are so many tricks of the trade that it is rarely worth the time for any attorney to attempt to become an expert. Instead, hire one. However, before you hire

one I recommend you do some reading to learn the basics. Here are two websites that provide a lot of great education for people getting into SEO: [moz.com](http://moz.com) and [searchengineland.com](http://searchengineland.com).

## KEY POINTS TO REMEMBER

- To be without a robust Web presence is to risk irrelevance for your law firm.
- All websites are not created equal.
- The purpose of a website for your firm is to generate qualified leads.
- Law firm marketing is a process, not an overnight event.

---

*Two-time international bestselling author, Stephen Fairley is CEO of The Rainmaker Institute LLC, the nation's largest law firm marketing company specializing in marketing and lead conversion for small to medium law firms. Over 18,000 attorneys nationwide have benefited from learning and implementing the proven Rainmaker Marketing System. Over the last 16 years, he has become a nationally recognized legal marketing expert and been named, America's Top Marketing Coach. He has spoken numerous times for over 35 of the nation's largest state and local bar associations and has a large virtual footprint with his highly successful Rainmaker legal marketing blog and has over 200,000 followers on Facebook, Twitter and LinkedIn. For more information, please visit [www.TheRainmaker-Institute.com](http://www.TheRainmaker-Institute.com) or call (888) 588-5891.*



# THE RAINMAKER INSTITUTE

## HOW TO MANAGE LEADS AND CONVERT PROSPECTS INTO PAYING CLIENTS

*By Stephen Fairley*

The purpose of marketing is to generate leads. The purpose of your intake system is to convert those leads into clients. To take your law firm to the next level you need both. The problem is most attorneys spend all their time and money focusing on getting more and more leads, but fail to recognize that what you do with those opportunities is just as important as generating them.

Over the last 16 years, we have developed a proven intake and lead conversion system that has doubled the conversion rates of thousands of attorneys all across the nation. It consists of four major components: (1) training for your front office and intake staff; (2) specific tactics and strategies to maximize your conversion at each stage; (3) an intake customer relationship management (CRM) software that automatically tracks and follows up with every lead; and (4) tracking and measurement of key metrics.

### TRAINING FOR FRONT OFFICE AND INTAKE STAFF

Most law firms have a receptionist, but a receptionist is very different from an intake person. When hiring someone to handle calls from prospects, you are not looking for a receptionist. You are essentially looking for a sales person – someone who feels very comfortable “selling” over the phone. They are selling prospects on why they shouldn’t try to handle their legal problem on their own and why they should come in for a consultation. One of the biggest mistakes for consumer law firms is having an untrained, minimum wage receptionist handling calls from prospects. The only thing worse is to have a paralegal or attorney handle incoming calls. Why is that worse? Because in our experience, 99 percent of the time, they are terrible at it. Paralegals and associates see these calls as an interruption to their day.

Here are the major areas your intake staff should be trained on:

- How to quickly qualify or disqualify prospects (this should be no more than four to six questions).
- Precisely what information you want collected: name, phone, email, reason for call.
- Talking points on exactly how you want the phone answered.
- Answers to the most frequently asked questions prospects call about.
- Scripts for when they leave voicemail messages.
- Brief guide on how to use your phone system.
- How to use your lead tracking system or intake CRM.
- Your firm’s relevant information, such as website, address, driving directions to your local office.
- Protocol on expectations on how, when and how frequently to follow up with prospects.
- Top three reasons why they should come in for a consultation (for local clients).
- Top three to five reasons why they should hire you. What makes your firm unique?

- How, when and with whom to set appointments for initial consultations.
- What to do when you don't know how to handle a prospect.
- Key phrases of empathy and support.
- How to control the call for when prospects want to talk too much.
- Sample intake form filled out correctly as a guide.
- Training on how to use any software required of them.

## SPECIFIC TACTICS AND STRATEGIES TO MAXIMIZE CONVERSION AT EACH STAGE

Dr. James Oldroyd, visiting research fellow at MIT and David Elkington, CEO of InsideSales.com, researched three years of data across many companies that respond to online-generated leads. The data included 15,000 unique leads and 100,000 call attempts, which the researchers scoured to determine how companies should respond to their online leads for the best possible results. The results were broken out into four areas and reveal the best days to make contact, best times, response time and persistence. Here's what they found – and what you can use to guide your intake person in responding to online leads:

Wednesday and Thursdays stand out as the best for making contact with online leads. In fact, there was almost a 50 percent bump for calls made on Thursdays in comparison to calls made on Tuesdays. The best time to call leads is between 4 p.m. and 5 p.m. The second best time is between 7:30 a.m. and 8:30 a.m. Prospects are more willing to talk to you either before they start their day or at the end of the day.

We have discovered over 45 additional techniques your intake staff can use that can rapidly increase your lead conversion rate. Here are a few of the top techniques:

### EVERY LEAD MUST BE FOLLOWED UP WITHIN FIVE MINUTES!

Research is very clear that speed-to-call is the highest predictor of lead conversion. When the initial follow-up call/contact goes from five to 10 minutes, lead conversion drops by up to 400 percent! The intake team must be trained and monitored to ensure every potential new client is being called back within five minutes or less.

### EVERY LEAD MUST BE CALLED BACK A MINIMUM OF SIX TO 10 TIMES!

It's not enough to call back a prospect once and then hope they call you back. When dealing with consumers you need to be persistent, often calling them back four, five or more times before you reach them. Once you reach them you either disqualify them and stop calling or qualify them and set the appointment. Just making one or two attempts will net you next to nothing; if you don't connect, you have to be persistent in continuing to call.

### THE FIRST DAY, EACH LEAD SHOULD BE CALLED TWO TO THREE TIMES

The average consumer calls five to seven law firms when making a buying decision and the law firm who gets them on the phone first will likely be chosen. We never received more than one call back or voicemail the first day.

### SCRIPTS NEED TO BE WRITTEN FOR VOICEMAILS SO THEY AREN'T ALWAYS THE SAME

Unless you give them direction, most staff will leave the same, generic message, "Hi this is Stephen from ABC Law Firm calling you back. Our number is (888) 588-5891. Please call us back." This does nothing to differentiate you from the pack of attorneys they have already called. Come up with different voicemails that encourage the prospect to call your office back. For example, "Hi Mr. \_\_\_\_\_. This is \_\_\_\_\_ with ABC Law Firm. I'm calling about a potential motor vehicle accident you inquired about. I need to get some more information from you to determine if this is a case we can assist you with. If you could please give me a call back as soon as possible, I can be reached at (888) 588-5891 and my extension is 613."

### NEVER MAKE AN ATTORNEY OR PARALEGAL RESPONSIBLE FOR MAKING FOLLOW UP CALLS

They will not do it. They just won't. Trust me. We have tried every possible incentive to get associates or paralegals to make follow-up calls and they will not. As much as possible, you want to build a wall between anyone who takes calls from prospects and those who do the work.

## AN INTAKE CUSTOMER RELATIONSHIP MANAGEMENT (CRM) SOFTWARE

Once your firm is getting more than 30 to 50 leads per month (meaning contacts from potential clients, not consultations or sign ups), you really need to have a software system for keeping track of all these incoming leads and where the leads are in the sales cycle. Has the prospect been contacted? Has an appointment been set? Did they come in for a consultation? Did they sign up?

Once a lead comes in, your intake person should be tasked with keeping track of the lead status so leads do not fall through the cracks. When we are asked to go into a law firm to analyze their intake system, you would be shocked at how many leads they are losing just because they don't have a system in place to keep track of every single lead and where the person is in the sales process. Lost leads are wasted opportunities. Small law firms lose tens to hundreds of thousands of dollars every year because they aren't tracking their leads and quickly following up with them. Mid-sized law firms are losing millions. Lost leads also hurt your reputation with your referral sources if they supplied the referral and your team doesn't follow through on the lead. A good intake CRM should:

- Integrate with your website, live chat, phone system and other major lead sources.
- Provide an electronic intake form that helps your intake person qualify and disqualify leads.
- Track every lead and where they are in the sales process.
- Notify your intake person when a new lead comes in.
- Allow your intake person to track their contact with the prospect.
- Enable your intake person to follow up with each lead via email and text message.
- Track your lead conversion rates by lead source and whoever is doing the initial consultation.
- Provide metrics and data (hopefully via visual dashboard). A comprehensive law firm marketing program that embraces multiple marketing tools – SEO, PPC, ads, email marketing, social media, blogs, etc. – means leads come in from many different sources. If you don't have an automated way to deal with them, leads will slip through the cracks and all that hard work and financial investment will be for nothing. Converting those leads into clients and ultimately referral sources is how you grow your law firm into what you envisioned when you began. Without a good lead flow system, the likelihood of you maximizing the possibilities of your marketing program is slim.

## TRACKING AND MEASUREMENT OF KEY METRICS

There are several metrics every law firm should measure regarding their intake:

- How many leads are you getting every day? Remember, we want to measure leads, not just appointments, consults, or sign ups.
- Where are these leads coming from? Use tracking phone numbers whenever possible.
- How many appointments are set by practice area?
- How many of those appointments show up for the consultation?
- What is your closing rate at the initial consultation?
- How many people sign up later after the consult?
- If you have multiple people handling consultations, what are their individual conversion rates?
- What is your cost per lead by lead source?
- What is your cost per client acquisition by lead source?

If you track and measure each of these numbers, you will be far ahead of your competition. This data will allow you to make smart marketing decisions and identify holes in your system. The fastest and most cost-effective way to grow your law firm is not to spend more money chasing more leads, it's to fix your follow up and maximize your lead conversion rate.

---

*Two-time international bestselling author, Stephen Fairley is CEO of The Rainmaker Institute LLC, the nation's largest law firm marketing company specializing in marketing and lead conversion for small to medium law firms. Over*

*18,000 attorneys nationwide have benefited from learning and implementing the proven Rainmaker Marketing System. Over the last 16 years, he has become a nationally recognized legal marketing expert and been named, America's Top Marketing Coach. He has spoken numerous times for over 35 of the nation's largest state and local bar associations and has a large virtual footprint with his highly successful Rainmaker legal marketing blog and has over 200,000 followers on Facebook, Twitter and LinkedIn. For more information, please visit [www.TheRainmaker-Institute.com](http://www.TheRainmaker-Institute.com) or call (888) 588-5891.*

# THE RAINMAKER INSTITUTE

## A GUIDE TO MARKETING YOUR LAW FIRM ON FACEBOOK

*By Stephen Fairley*

According to current research, social media now drives more traffic (31.2 percent) to the websites of people and organizations that post on social media sites than any other channel, including search. Facebook dwarfs all other social networks for driving that traffic, accounting for 25 percent of all website traffic coming from social media.

For solos and small firms, the goal of social media is lead generation and business development, pure and simple. How you develop and maintain that is by building targeted relationships, providing solid content and consistently adding value. Some of the attorneys we have worked with at The Rainmaker Institute regularly receive 50- 100 or more new leads every month just from efforts online, social media engagement and Facebook pay per click.

So how can you take advantage of what Facebook has to offer for law firm marketing? Keep reading!

### THE LATEST FACEBOOK UPDATES

Widely recognized for its reach and success in keeping people connected with friends and family, this social media behemoth has woken up to the opportunities that come from connecting businesses to their target markets and is taking steps to elevate the experience for everyone, including law firms.

A few months ago, Facebook announced that it was making changes to its News Feed algorithm that would result in showing more feeds from user's friends and family members and fewer items from companies and institutional brands.

This is in direct response to Facebook users saying they want to see more content from the people and places they are already connected with and less from people or companies they don't know or care about.

What this means for lawyers' marketing on Facebook is this: if you are currently doing all your posting under your law firm's umbrella, consider making more posts under your own name. That doesn't mean you should abandon your firm's Facebook page, especially if you've built up a good following. Just consider posting more – or sharing more posts from your firm page – under your own personal page.

I do both and have been doing so with positive effect for some time. We have a Rainmaker Institute page and another one for legal marketing, but I have my own personal page as well. The Rainmaker page keeps things pretty much strictly business, but I often take posts from there that I think will be of interest to the people who follow me on my personal page and share those on my page. My personal page has both business and personal items as well as shared posts from other pages that I find interesting, thoughtful or humorous – even though they usually do not directly relate to my business or even the legal space.

Here are some of the new Facebook features and how to use them for marketing your law firm:

#### MESSENGER PLATFORM

More than 900 million people around the world communicate via Facebook Messenger. It was the fastest growing app in the United States last year and now, Facebook has opened up messaging to all businesses to enable them to communicate to customers in a new way. Using Messenger “bots,” companies can offer automated subscription content, customized communication as well as live automated messages with clients/customers who opt in. This new tool also supports sending and receiving text and images. This is essentially a shift from public to private social media.

#### LIVE VIDEO

Facebook has been spending a lot of time enriching the video experience on its site and it has paid off – users are watching more than 100 million hours of video every day on Facebook! Businesses are now able to stream Facebook Live broadcasts from a number of devices. Using this tool, your next presentation could go much further than you ever thought possible with Facebook Live.

#### VIDEO PROFILES

You can now bring your profile to life on your law firm Facebook page by using Facebook’s Profile Expression Kit. Repurpose the videos you’ve created for your website and YouTube for your Facebook profile to connect more power-fully with potential clients.

#### INSTANT ARTICLES

This is a wonderful way to extend the reach of your blog or newsletter content and get more engagement from your audience on Facebook. Instant Articles are better than mobile Web articles because they load much faster while accommodating video and image zoom. Facebook has been beta-testing Instant Articles for almost a year and their research says they receive 20 percent more clicks and are shared 30 percent more than mobile Web articles.

### HOW TO GROW YOUR FACEBOOK AUDIENCE

BuzzSumo recently analyzed 500 million Facebook posts to discover what types of posts create the most engagement. Use this data to plot your posting strategy and you will likely see an uptick in the number of likes, comments and shares your posts receive:

#### SCHEDULE EVENING POSTS

Posts published between 10 p.m. and 11 p.m. ET receive 88% more interactions than the average post.

#### USE IMAGES

Posts that use an image receive 179% more interactions than the average Facebook post.

#### POSE A QUESTION

Posts ending with a question receive 162% more interactions than the average post.

#### USE VIDEO

Videos are the most shared post type on Facebook, averaging 89.5 shares per video. There are an increasing number of free and low-cost tools that make creating short, ad-type videos on Facebook a breeze. I recently started playing around with slide.ly and found it very easy to use.

#### POST ON SUNDAYS

Posts published on a Sunday receive 52.9% more interactions than the average post. Fewer companies are posting on the weekends, yet more consumers are reading posts on the weekends.

#### KEEP POSTS BRIEF

Posts with 150-200 characters performed the best, averaging 238.75 shares.

### POST DIRECTLY TO FACEBOOK

Posting with a third-party tool results in 89.5% less engagement than posting directly to Facebook.

### LINK TO LONGER CONTENT

Posts that link to long form content (2,000+ words) receive 40% more interactions than linking to shorter content.

## THE FACEBOOK PAY-TO-PLAY STRATEGY

Facebook ads are a tactic that many companies have used with good results without a big cash outlay. With Facebook ads, you should have a free offer (webinar, ebook, etc.) to promote your firm and call interested prospects to take action. You should then use Facebook's Ad Manager to narrow the target audience for your offer.

Here are four distinct ways attorneys can zero in on their ideal target market for Facebook ads:

### LIFE EVENTS

Many legal practice areas correlate to certain life events. For example, an estate planning attorney may want to engage with high net worth individuals who are newly engaged or newly married for asset protection services. Divorce attorneys can use this to tout the benefits of having a prenup. Since most people tend to post major life events on their Facebook timelines, there are a lot of life events to choose from, including what I just mentioned above. Doing a quick search in the Facebook Ads Manager, I found the potential audience for an estate planning attorney in Phoenix is 220,000 individuals aged 26-65 with a net worth over \$1 million who are either newly engaged or newly married.

Another example is a family law practitioner who wants to target newly separated individuals who may need a divorce attorney soon. According to the Facebook Ads Manager, the potential audience of separated individuals in Phoenix with a net income of more than \$100,000 is 160,000.

### CUSTOM AUDIENCES

Imagine being able to reach people who contacted your law firm but did not sign up, or to reconnect with old clients you have lost touch with. Perhaps even people who visited your website, but did not contact you. This is the power of Facebook Custom Audiences. It's an advanced feature that allows you to import an existing contact list (think of your former clients and prospects who haven't signed up yet) into Facebook and then target ads directly to them. You can also create a Custom Audience based on visitors to your website and people who have engaged with your content on Facebook.

Once you have uploaded your contacts, Facebook has additional targeting options so you can target ads by income, zip code, job function, net worth, marital status, interests and more. This is an incredibly powerful targeting tool tailored to law firms that have a good handle on their ideal target market.

### LOOKALIKE AUDIENCES

Once you have created a Custom Audiences list on Facebook, the site has a feature called Lookalike Audiences that will target other people who are similar to those in your Custom Audiences list.

To create a Lookalike Audience, Facebook examines the common qualities (e.g., age, gender, location, interests, likes, psychographics) of the people in your Custom Audience and then finds other people in the region you specify who best match the qualities of your Custom Audience. You can use any of the Facebook targeting options to narrow your Lookalike list.

### LAYER TARGETING OPTIONS

One of the most powerful features of Facebook ad targeting is the ability to layer targeting options on top of one another to create a highly specific audience. For example, some of the categories include ethnicity (African-American, Hispanic-Bilingual, Hispanic-English dominant, Hispanic-Spanish dominant, Asian-American, etc.), household composition (empty nesters, grandparents, new parents, new teen drivers, veterans, working women,



etc.), moms (“green” moms, moms of grade schoolers, moms of high schoolers, new moms, soccer moms, stay-at-home moms, etc.) industries and many more.

Using Facebook’s robust audience identification tools, we have found that Facebook ads typically outperform Google ads and are significantly cheaper to boot.

Just like any social media network, the lion’s share of the attention goes to those who interact frequently – and genuinely – with followers and fans. Knowing how valuable and limited your time may be for social media marketing, you need to make efficient use of it to obtain the maximum benefit. These tips can help you do just that.

---

*Two-time international bestselling author, Stephen Fairley is CEO of The Rainmaker Institute LLC, the nation’s largest law firm marketing company specializing in marketing and lead conversion for small to medium law firms. Over 18,000 attorneys nationwide have benefited from learning and implementing the proven Rainmaker Marketing System. Over the last 16 years, he has become a nationally recognized legal marketing expert and been named, America’s Top Marketing Coach. He has spoken numerous times for over 35 of the nation’s largest state and local bar associations and has a large virtual footprint with his highly successful Rainmaker legal marketing blog and has over 200,000 followers on Facebook, Twitter and LinkedIn. For more information, please visit [www.TheRainmaker-Institute.com](http://www.TheRainmaker-Institute.com) or call (888) 588-5891.*

## RECRUITMENT AND RETENTION – REIMAGING BUSINESS DEVELOPMENT FOR THE LEGAL COMMUNITY

*By: Aparna Tutak*

When it comes to business development for their law firms, most lawyers consider client acquisition the single most important barrier to their profitability and long-term success. True business development, however, requires more than growth in the number of clients a firm has. A growth-minded law firm cannot be successful without considering the role that recruitment and retention play in keeping a firm's most important assets – its employees – thriving in the workplace. Like it or not, the world has changed since the pandemic and will continue to do so. Furthermore, in an industry typically slow to adopt change, many firms have struggled to accept new mindsets as the nature of how work gets done has shifted in a short amount of time. Law firm management now means that hybrid working will remain prevalent, but other than requiring employees take laptops home, how should firms approach “top-down” business development? Hint: it requires more than the help of the law firm's IT department.

You may be asking, “My law firm is amazing, and anyone would be lucky to be hired to work here so why should I worry about recruitment”? Simply put, employees are demanding more of their employers to account for the shift in hybrid working. According to a [recent survey](#) found that 41% of U.S. employees would start job hunting if their employer forced a return to the office full-time. Working from home, or anywhere outside the office ([58%](#) of employees work remotely outside the home), means that employees must prove with twice as much certainty that they're worth the investment (or gamble) in hiring them and that they're performing well at the job they were hired to do. Employers need technically savvy attorneys and staff who can pivot easily from working in an office to working remotely and back without sacrificing the amount or quality of work that gets done. What are the types of changes prospective employees and employers should expect in the brave new, world?

### GETTING TO KNOW YOU, DIGITALLY

Diminished travel to law school campuses for candidate interviews means that recruiters will be conducting interviews via Zoom. This not only saves firm members time and money on resources spent on travel, but also eliminates the opportunity for spontaneity that comes from in-person interactions. Firm members and candidates should not presume that a Zoom interview is any less formal than an in-person meeting. Savvy candidates will dress professionally and be mindful of what's in the background during their on-camera interview (think of investing in a [ring light](#) to optimize your video presence). After all, this is a testimonial of the professionalism a candidate will be expected to have when working with a paying client and while it may be unfair, a poor work environment with dirty towels on display in the background make for a sloppy impression to those who surround you, even virtually.

Firms are also utilizing behavior assessments like [DISC Assessments](#) to help evaluate how candidates interact with their peers and leadership. In lieu of lengthy, in-person interviews, such assessments

provide a look into the patterns and mindsets of prospective and existing employees. The social media presence of prospective candidates will be more carefully scrutinized. Candidates actively participating in legal community forums or those consistently creating, curating, and sharing content are telling recruiters that their expertise is valuable, as is their potential reach for fostering potential client relationships if hired. Firms that no longer see clients in physical offices need staff with the ability to cultivate relationships with prospective clients in digital spaces. Tomorrow's law firms will need to embrace this digital shift, or risk losing talent and ultimately revenue to savvy competitors who will.

## THE RISE OF THE “NEW” LAW FIRM MARKETER

Pre-pandemic, many law firms focused their marketing efforts on billboard advertising, attendance at live conferences and in-person events where those in traditional business development roles were expected to host gatherings to network and solicit new business for their firms. Many firms cut marketing and sales resources from their budgets at the onset of the global health crisis but are now realizing that while their skills are still needed, strong aptitude is needed in inbound marketing, data analysis, content marketing and virtual events. Law firms focused on the future are hiring marketing technologists who help firms develop and execute strategies which drive business remotely. In addition, the importance of nurturing relationships with existing clients has never been as paramount. Maintaining an existing client is typically more profitable than the cost of acquiring a new one. An employee who can balance both types of relationships consistently for their firm are set to be in high demand.

## DOUBLE-DUTY LAWYERS

Professional networks have long been a tool used by lawyers seeking employment and law firms for recruiting. The difference now is that the pool of applicants has gotten deeper, [making the job-market ultra-competitive](#). Attorneys with years of experience are suddenly finding themselves vying for jobs with the nation's newest graduates. Maximizing exposure on sites like LinkedIn gives attorneys the opportunity to showcase their expertise and network with their peers. Prospective employers are paying attention to which attorneys, new graduates or their seasoned counterparts, are highlighting their technical expertise as much as their legal accomplishments. For example, as the pandemic struck, firms were challenged to evaluate their financial status and enact their strategic “in-case-of-emergency” plans. Many firms were left unprepared to do so simply because their professional staff lacked tools to make those decisions. Increasingly, attorneys are expected not only to understand and interpret law for clients but also to understand legal technology well enough to assist in financial accounting software deployments like SurePoint Technologies or CosmoLex. An attorney with both legal and technical prowess is an asset to firms focused on maximizing their return in investment on future hires. You may not be expected to handle a complex software migration, but having a solid understanding of the functional requirements of the firm and the ability to cut through technical jargon to acquire necessary tools will be critical. Bottom line, law firms hiring managers are vetting candidates on more than just their resume. Lawyers who are going to weather this storm are going to need to stay in front of their peers, self-advocate their unique technological skills on professional sites, and illustrate their expertise and passion for the legal profession *and* law firm management.

It goes without saying that retaining top talent is more cost effective than acquiring new hires. Attorneys who survived the downturn and kept their jobs are now realizing that their employers should be safeguarding their firms from future crises. So, what can law firm employers do to make sure their rainmakers stay and not stray?

## EMBRACE THE HYBRID WORKPLACE

The shift to remote working means that, while some people feel uncomfortable and miss the comradery of being physically present in an office, others have found their stride in working from home, or cannot return to the office due to having health concerns, having to care for ailing family members or lacking childcare. Employers unwilling or unable to accommodate the shifting needs of employees risk an exodus of talent as many other employers have already realized the evolving needs of legal professionals and are jumping at the chance to acquire new talent. While the wave of 100% work-from-home receded, many law firms, and particularly senior associates and partners, continue to embrace hybrid work setups.

In many cases, being tethered to an office desk remains unappealing and, more importantly, it's just not necessary. Attorneys have found that they love the flexibility remote work allows and the elimination of time lost commuting to the office. Retaining employees is more than a matter of paying someone more. Workplaces need to capitalize on the efficiency gained from remote workers rather than see them as a hinderance to returning to "normal". This requires a shift in more than just the firm's culture. It requires a commitment to "cut the cord" with on-premises technology solutions and the adoption of a cloud infrastructure to run the practice. People want to do their jobs well and it's up to employers to make it easier for their employees to succeed.

Successful firms that are focused on long-term business continuity are simultaneously capitalizing on cloud applications and enacting change in their firms to better position themselves for future crises. This driver has led to firms adopting cloud-based solutions for team collaboration, productivity enhancements and streamlined communication via Microsoft Teams or [NetDocuments](#), a true cloud document management solution. A lack of technology investment tells prospective new hires that the firm does not care to innovate and improve, which could scare top-performers away. Candidates want to work at firms that can compete with AmLaw 100 firms regardless of size.

Maintaining an on-premises environment that doesn't allow the flexibility to get work done in an efficient manner is enough to scare off people otherwise ideally suited for a position. Employees may wonder, "If the firm doesn't think it's worth investing in itself as a company, why would they invest in me as an employee?" This demoralizing narrative is all-too common in workplaces today and sets the precedent that a team member's value is limited and static rather than encouraged to improve. Firms that innovate and reimagine their business practices foster that type of creativity and drive in their employees.

## KEEPING YOUR DATA SECURE IN UNCERTAIN TIMES

Cybersecurity is central to safely conducting business. According to Law.com, 2024 is on pace to be another banner year for [law firm ransomware and data breaches](#), with even entire court systems suffering from malicious players. The "work-from-home" movement has led firms to identify gaps in their IT infrastructures which put them at risk for breaches or cyberattacks. Firms wishing to stay ahead of the threat are employing cloud hosting companies like [ProCirrur](#) for assistance with data loss prevention and multi-factor authentication. The risk and liability of lost or stolen client information is a threat that firms need help avoiding. A poor security environment even puts attorneys' reputations in jeopardy. Employers wishing to retain their lawyers must heed warnings to protect not only their businesses, but also safeguard their employees from potential malpractice issues. Firms are looking to source talent through both internal moves and lateral hires, as many form cybersecurity practices which could lead to increased revenue if included in strategic business development plans.

## FOSTERING INCLUSIVITY TO COMBAT INEQUITIES

The changing socio-political climate has led firms to focus on Diversity and Inclusion initiatives as they innovate their organizations for increased equity amongst their ranks. Whether that means developing mentoring programs or networking opportunities through the [ILTA Diversity, Equity and Inclusion Task Force](#) or taking [certification courses on building workforces that promote the inclusion of people of differing races, sexual orientation or disabilities](#), firms are focused on increasing revenue, improving employee performance and increasing overall job satisfaction in an environment where change is already occurring. While many strides have already been made, legal teams further worked “to create a more inclusive culture and adopted techniques to confront implicit bias within their law firms,” according to the 2023 Inclusion Index Survey Report.

## CONCENTRATION ON E-LEARNING

The need and desire to continue improving skills throughout the pandemic has led to more CLE courses being offered online for on-demand consumption. While the need for onsite trainers may have diminished, firms that are invested in their employees are utilizing Knowledge Managers to assign out coursework on legal technology topics or courses offered by the ABA to assist attorneys with skills development which then allows firms to retain their talent while providing value to the firm and individual. Professional development should never be limited to the confines of a lecture hall in law schools. Quenching a thirst for knowledge and committing to a lifetime of learning can open doors unimagined in the past.

Whether retaining or recruiting employees, one thing is for certain as the workforce evolves in its requirements of what the future of business should be – the role of business development has evolved as lawyers must continue innovating to drive value to their clients and to each other, ensuring the longevity and success of the “future-ready” legal community.

---

*Aparna Tutak is a Senior Client Account Executive - Enterprise for Affinity Consulting with over 15 years of marketing and sales experience helping firms accelerate their growth and profitability. Her expertise and passion lie in helping legal teams strategically optimize processes, maximize productivity, and increase efficiency.*

## BUILDING A TECHNOLOGY BUDGET

### BUILDING YOUR BUDGET

Whenever you spend a lot of money or buy many different things (which may or may not add up to a lot), the best first step is to create a budget. For example, here's a screenshot of a sample budget.

Your Firm Budget				
Description	Quantity	Unit Price	Subtotals	Grand Totals
<b>Computers</b>				
<b>Notebooks:</b> Dell Latitude E6430 notebook computers - includes dual 23" monitors, docking station, 3 yr/next business day/on-site warranty and 3 yr accidental damage protection, DVD/RW, webcam, backlit keyboard, fingerprint reader for security, bluetooth, Microsoft Office and Adobe Acrobat XI	2	\$2,319.58	\$4,639.16	
<b>Desktops:</b> Dell OptiPlex 7010 desktop computers - includes dual 23" monitors, 3 yr/next business day/on-site warranty, DVD/RW. Do not include MS Office because they won't leave the office.	1	\$1,458.02	\$1,458.02	
<b>Services:</b> Computer set up & configuration - fix defaults with Windows 7 and MS Office, download all updates to Windows & Office, install antivirus software - go through 8 page checklist on each computer.	3	\$300.00	\$900.00	
<b>Delivery &amp; Installation:</b> Deliver all new computers and hardware at your office, setup & install everything (computers, scanners, VOIP phones, and iPads); answer any questions; make sure everything works properly. FLAT FEE PER DAY	1	\$1,650.00	\$1,650.00	
<b>Computers Total:</b>			\$8,647.18	\$8,647.18
<b>Tablets</b>				
iPad w/ Retina Display 64 GB Black - Wi-Fi only (www.amazon.com)	2	\$672.95	\$1,345.90	
Anker® Ultrathin iPad Bluetooth Wireless Keyboard Aluminum Cover with Stand for iPad	2	\$35.99	\$71.98	
<b>Tablet Total:</b>			\$1,417.88	\$1,417.88

If you build your budget in a spreadsheet (Excel, for example), you can play with quantities and prices to see how changes impact the total. This process also helps you think of every possible thing you will need. Surprises can ruin budgets, so writing it all down avoids them while providing a realistic idea of the overall cost.

### SAVE MONEY, BUT DON'T BE CHEAP

#### SOME THINGS ARE WORTH THE PRICE

Quality, reliability, and performance, in that order, should be frontmost when purchasing business technology. Spending more money for known quality avoids frustration and unexpected failure. For example, if you spend 10+ hours a day in front of a computer, buy an enjoyable one. Faster processors, lighter laptops, bigger monitors, and nicer keyboards cost a little more. If you're talking about something you use constantly, every day, then remove it as a cost-cutting target. Getting the best possible deal on high-quality technology beats buying underpowered, under-performing technology to save a buck.

#### CHEAP SOFTWARE REQUIRES PAINFUL TRADE-OFFS:

Every law firm relies heavily on email, calendaring, and contacts. One can reasonably debate whether Microsoft 365 or Google Workspace best fits the bill. Both choices are backed by large companies accustomed to timely and consistently meeting the needs of thousands of businesses that depend on them. While affordable, they are not the cheapest game in town. But for these tools, dependability is priceless.

A few years ago, we worked with a firm that didn't want to spend money on legal industry standards like Microsoft 365 and Google Workspace. They went with open-source software instead. Open-source means that they paid nothing for the software.

Open-source software possesses three prominent characteristics. The program's code is available for anyone to examine and modify. Many good programmers spend countless hours improving the software for free. Anyone can download and use the software for free. Open source has distinct advantages. For example, being able to read the code means security vulnerabilities and backdoors are much harder to conceal. It also has flaws. Free software often has only limited volunteer support. While it's nice to pay nothing for software, that also means that there's no one to call for technical support.

Open-source software is less likely to "play well" with modern firms' full cross-section of hardware devices. By contrast, Microsoft 365 worked with nearly all web-based and server-based legal practice management systems. Google's Gmail works with many web-based systems. Every Windows and Mac computer, every Android or iOS tablet, and every Android and iOS smartphone wirelessly sync with Microsoft 365 and Google. Document management programs all integrate with Outlook. Adobe Acrobat has an incredible integration with Outlook. The list goes on. The result of this open-source money-saving strategy for the firm in question was that users hated the feature-deprived email software. It linked with nothing else they used, and no one could get their email, calendar, or contacts from the free email software to sync with their tablets or phones.

You can get free office suites, including word processors (e.g., [LibreOffice](#) or [OpenOffice](#)) and free PDF creation programs (e.g., [CutePDF](#)). However, they're not the legal-industry standard; they have non-existent technical support and integrate/link with nothing else. In short, they're just not worth it.

#### WAITING FOR TECHNOLOGY TO DIE IS THE WORST WAY TO UPGRADE

Many law offices use their existing technology until it dies. This is a bad idea for the following reasons:

##### DATA LOSS

Using anything until it no longer works often means there is no opportunity to transfer data, programs, etc. from the old device to the new one. Transferring data while the old one works is much easier than restoring data from a dead device onto a new one.

##### NO TIME TO RESEARCH

If someone's computer just died, you don't have time to conduct much research to ensure you're getting the best replacement technology at the best price.

##### NO TIME TO WAIT FOR SOMETHING TO SHIP

You generally find lower prices online than from brick-and-mortar vendors. However, if the technology is mission-critical, you might not even have time to wait for something to be shipped to you (or built and shipped to you like a custom computer configuration). Instead, you'll have to go to the nearest store and buy whatever they have in stock, regardless of whether it's appropriate for your use or your office.

##### NO TIME TO NEGOTIATE

If you're buying more than one of anything, you can negotiate the price better. If you purchase everything one at a time as old technology dies, then you give up that leverage, and you pay more.

##### END UP WITH A HODGE-PODGE MIX OF TECHNOLOGY

Problems with having a mix of technology include the following:

- It's more expensive to maintain computers of different types/brands/models bought at different times than to maintain a set of identical computers.
- Users can't easily help each other if your office uses Office 2019, 2021, and 365.



- You must always keep five different toner cartridge refills if you have five different printers.
- If you haven't upgraded software in a long time (5 years or more), it may no longer be supported by the manufacturer, which means you don't have any technical support options.

## A LAWYER'S GUIDE FOR BUYING A LAPTOP

If you've shopped for a laptop computer lately, you already know that it can be confusing, particularly if you're looking for a Windows machine (where the options are nearly unlimited). This article explains what to look for, what to avoid, and how to make an informed decision. This article should be helpful regardless of which operating system you prefer. Further, the term "PC," as used herein, refers to both Windows and Mac computers. PC stands for personal computer, meaning a computer designed for use by one person at a time. Although Apple's advertisements seem to declare that its computers are something other than PCs, they are not (all MacBooks and iMacs are PCs).

This article won't help you find the cheapest laptop possible. However, if your laptop is the primary tool you use to produce work product, then it's probably the last thing you should cut corners on. If that's what you're looking for, there are many compilations of the best "budget" laptops.<sup>1</sup> The following recommendations prioritize power, portability, and reliability.

Laptop configurations and models change constantly, so there's little point in identifying a particular model, and less so a configuration, to buy. Instead, here's what to look for in a new laptop, component-by-component, with an explanation of each PC part, so you'll understand what you're buying.

### TYPE OF LAPTOP COMPUTERS SUITABLE FOR A LAWYER

I'm not going to explain every possible classification here because many of them are inappropriate for a law office (such as "gaming" laptops). You want a laptop designed for business use (rather than a home user/consumer PC). Business models tend to have longer product cycles and offer tried-and-true configurations that have been thoroughly tested. They typically offer better warranties (onsite service and accidental damage protection), physical durability, and built-in security.

You may also have heard of an "ultrabook" as a laptop category. Ultrabook is a specification for a laptop promulgated by Intel.<sup>2</sup> An ultrabook is a thin, light, and powerful laptop with excellent battery life, touchscreen capability, and advanced security. Of course, many manufacturers offer business ultrabooks.

More recently, Intel introduced a successor to the Ultrabook classification called Evo.<sup>3</sup> Intel says that Evo is for those who "[w]ant a laptop that has it all." And who doesn't want that? For a manufacturer's laptop to qualify for the Evo designation, it should possess: 1) an 11th generation (or later) Intel Core processor with Intel Iris X graphics; 2) support for Wi-Fi 6 technology; 3) the ability to run for at least nine hours on battery power; 4) fast "wake from sleep" technology; and 5) Thunderbolt 4 connections for external docks, high-resolution screens, and other peripherals.

An Evo-compliant laptop may be a traditional clamshell, 2-in-1 hybrid, or 2-in-1 convertible. Examples of traditional form factor machines include the Dell XPS 13 and the Lenovo ThinkPad X1 Carbon. A hybrid 2-in-1 is a laptop where the screen can be detached from the keyboard base and used as a touchscreen tablet (see a Microsoft Surface Pro 9, for example). The screen on a convertible 2-in-1 doesn't detach but can be flipped back, swiveled, or slid into a position to be used like a touchscreen tablet (see an HP Spectre x360, for example).

---

<sup>1</sup> See [Computer & Laptop Reviews & Top Picks](#), Lifewire, and [The Best Laptop Under \\$500](#), by Kimber Streams, Wirecutter.

<sup>2</sup> See <http://www.intel.com/content/www/us/en/2-in-1/laptop-tablet.html>.

<sup>3</sup> See <https://www.intel.com/content/www/us/en/products/systems-devices/laptops/evo.html>.

## WHAT TO KNOW ABOUT PROCESSORS

### 3/5/7/9 DESIGNATION

In a nutshell, an Intel i9 processor is more powerful than an i7; an i7 is more powerful than an i5; and an i5 is more powerful than an i3. With desktops, there are also less powerful Celeron and Pentium processors, although they're underpowered. Finally, there are Xeon processors (aka "X"), which are faster than i3/i5/i7/i9 processors. However, they cost a lot more and are overkill for 95% of legal applications, especially as more work occurs in cloud-based applications.

In addition to processors from Intel, you may want to consider computers powered by an Intel competitor called AMD. While they've been in business for decades, AMD has recently come out from behind Intel's shadow, with strong, competitive offerings. They offer lines of processors like Intel. AMD's Ryzen 3 competes against the i3 line, Ryzen 5 against the i5, and Ryzen 7 and 9 against the i7 and i9 respectively.

Traditionally, price was AMD's advantage. Recently, they've also been outperforming Intel while also proving more reliable.

### GENERATIONS (TRADITIONAL "X86" DESIGNS)

Intel has released 14 "generations" of the 3/5/7/9 processors, so the current release is creatively called "14th gen." If you're buying something new and it doesn't indicate that the processor is 14th generation, make sure you ask. You can also tell a processor's generation by looking at the first number following the 3/5/7/9 designation. For example, a configuration that includes an i7-14700 processor is 14th generation. The 14 that begins the five-digit number following the i7 indicates that it's a 14th-generation processor. If that number were 13, it would be 13th generation. Every generation of processors gets a little faster and adds various other benefits. Laptop and desktop processors are developed and released on different schedules. For the full rundown on what the 14th generation processors provide, see the [Intel press release](#).

### WINDOWS ON ARM

In 2024, Qualcomm launched a line of processors for a new type of Windows computers. These processors, marketed as Snapdragon X processors represent a new era for Windows computers. Traditional Intel and AMD chips are based on designs, the [CISC](#) architecture, that favor power and speed at the expense of efficiency and battery life. Qualcomm's Snapdragon, as well as Apple's Apple Silicon processors used in Macs, rely on different designs, the [RISC](#) architecture, derived from chip firm [Arm](#). These processors bring to desktops, and even more so laptops, things you love in modern mobile devices like instant-on screens and long battery life.

### PROCESSOR RECOMMENDATION

If you only use your PC for e-mail, Internet browsing, and light applications like word processing, an i3 would probably be fine if you're on an extreme budget, but you should start with the i5 versions. If you're using more demanding applications (such as case management systems, document management systems, or legal accounting programs), consider a 14th-generation i5 or i7. All major manufacturers have 14th-generation offerings out at this point, but there are a lot of new computers out there with 13th generation processors. So looking for the latest generation processor makes sense unless you want to save money by buying an older one. Between the 5, 7, and 9, an i5 or i7 is suitable for almost all legal professionals.

If you have more demanding applications like photo/video editing or speech recognition, you may consider moving up to an i9, although the size, heat, and power requirements will increase considerably. While it may be true that "[f]or most users, the extra features and processing power of the Core i7 [over an i5] won't be worth the cost difference between the two tiers,"<sup>4</sup> we've never met anyone who regretted choosing more power.

Arm-based laptops offer responsiveness and battery life much closer to an iPad than a typical Intel-based laptop. Windows machines running Arm-based processors may face compatibility issues with older hardware drivers, such as printers and scanners. Additionally, Arm processors run x86 applications in an emulation mode, which might cause

---

<sup>4</sup> [Intel Core i5 vs. i7: Which CPU is Right for You in 2023?](#), by John Martindale, Jacob Roach, and Kunal Khullar, August 2, 2023, *Digital Trends*.

hiccups. You will probably never notice this, especially if you stick to “first line” applications like Microsoft Office and Adobe Acrobat or rely predominantly on web-based software. You may run into issues if you rely on older software, such as desktop/server-based law practice management software or rarely updated, practice area-specific software.

## GRAPHICS OR DISPLAY ADAPTER

The graphics adapter is the part of a computer that processes the images to be displayed on the screen or monitor. Two basic architectural approaches for a graphics adapter are integrated and discrete. Integrated means “locating a computer’s display circuitry in the chipset on the motherboard rather than on a separate plug-in card.” Discrete graphics adapters are typically a separate circuit board inside the computer and are more powerful than integrated adapters. Integrated graphics adapters are generally sufficient for legal users since the applications are not demanding from a graphics/video perspective. However, you may want to consider a discrete graphics adapter if any of the following apply to you:

- You want to connect multiple high-resolution monitors (4K of 3840 x 2160 pixels or 5K of 5120 x 2880 pixels);
- You want to connect to more than two monitors simultaneously;
- You need to engage in video editing; or
- You run graphics-intensive applications on your computer, like computer-aided-design (“CAD”) programs or games.<sup>5</sup>

You can do all the foregoing with integrated video, but the computer's performance may suffer. However, integrated graphics have improved dramatically in recent years. For day-to-day legal work, nearly all integrated graphics adapters will meet your needs.

On the Apple Mac side, almost no computers offer discrete graphics. Over the last couple of years, Apple transitioned Macs away from Intel processors and to its own, homemade Apple Silicon processors. All Apple Silicon chips have integrated graphics, although some are even more powerful than discrete graphics available elsewhere. Naturally, the more expensive Macs get better graphics.

## MEMORY OR RAM

Get at least 16 GB of RAM for normal business usage. If possible, get the memory on one memory chip. Physically larger laptops have two memory sockets on board, so if you get all your memory on one chip, you can easily add another later as an upgrade. However, the thinner and lighter the laptop you choose, the more likely the memory and the hard drive storage (see below) are unchangeable, built into the computer at the factory. Whatever choice you make at purchase time, that’s all it will ever have. This is 100% true with Mac laptops already and is increasingly the case with Windows machines as well.

If the laptop you desire has the option to add memory later, make sure it ships with the most memory on the fewest chips. For example, a laptop with 16 GB of memory could come as one 16 GB chip or two 8 GB chips. If you get 16 GB comprised of two 8 GB chips, then to upgrade your memory, you’ll have to discard half of what you already have. If you’re wavering on the amount of RAM to buy now, remember that, for some Windows laptops, but not for Mac laptops, it’s usually an easy DIY project to upgrade your RAM later. Companies like [Crucial](#) make it easy to upgrade RAM because their website allows you to determine what type of memory your computer requires, and their prices are very competitive.

---

<sup>5</sup> Graphics-intensive programs may be required in some practice areas, such as construction, patents, or scientific work. However, as a rule, legal professionals should avoid installing games on work computers. Games, and most personal-oriented software, are less likely to be securely programmed and timely patched. Therefore, they serve as a more likely vector for malware and hacking (see this [LastPass story](#) as an example). For games and personal activities, buy a separate computer.

## HARD DRIVE OPTIONS

### TYPES OF DRIVES

There are three kinds of hard drives, mechanical (HDD - Hard Disk Drive), solid-state (SSD - Solid State Drive), and hybrid (SSHD). We strongly recommend SSDs in laptop. Go with an SSD if at all possible. Here's a good explanation of the differences between HDD and SSD:

"The traditional spinning hard drive is the basic non-volatile storage on a computer. That is, information on it doesn't "go away" when you turn off the system, unlike data stored in RAM. A hard drive is essentially a metal platter with a magnetic coating that stores your data, whether weather reports from the last century, a high-definition copy of the original Star Wars trilogy, or your digital music collection. A read/write head on an arm (or a set of them) accesses the data while the platters are spinning.

An SSD performs the same basic function as a hard drive, but data is instead stored on interconnected flash-memory chips that retain the data even when there's no power flowing through them. These flash chips (often dubbed "NAND") are of a different type than the kind used in USB thumb drives, and are typically faster and more reliable. SSDs are consequently more expensive than USB thumb drives of the same capacities."<sup>6</sup>

Note also that HDDs have a speed rating in terms of RPM. This refers to the speed at which the drive's magnetic platters rotate. The faster they rotate, the faster your computer can access information. Avoid 5,400 rpm drives because they're too slow. Instead, look for a 7,200 rpm drive or faster.

A hybrid drive combines a tiny SSD with an HDD in the same device. They're far less expensive than SSDs and offer modest performance improvements. Having said that, get an SSD if it's available. They cost more, but they're worth it. SSDs are much faster than mechanical or hybrid drives; they use less electricity, generate less heat, and have no moving parts, making them less likely to "crash."

### SIZE

We recommend a 256 GB or 512 GB SSD for most legal users. The smaller size should be fine if you store almost everything on a server or the cloud. However, larger storage needs might force you to choose an HDD rather than an SSD. It's easy to find 1 TB (1,000 GB) or larger HDD options in a laptop. Finding higher-capacity SSDs used to be more difficult, but higher-end manufacturers, like Lenovo and Apple, offer 1TB or more. Indeed, Apple's pro machines can be equipped with an SSD up to 8 TB, at a considerable price premium.

## SCREEN OPTIONS

### SCREEN SIZE

What size screen you choose is a matter of personal preference. Many current laptops have 13.3" screens, which is extremely popular among manufacturers. Most people have no problem seeing things on a 13.3" screen. Many models offer a 15.6-inch screen, but we don't recommend going larger than that. Remember that a bigger screen generally means a heavier laptop and less battery life, but that may be worth the trade-off, depending on your usage.

### RESOLUTION

If you have a choice of resolutions on the screen, choose a higher resolution option if you intend to plug external monitors into your laptop and use it primarily in that arrangement. Higher resolution screens mean that everything will be sharper, but also smaller. As such, it does little good to get a high-resolution screen that renders everything so small that you can barely see it. This is not an issue if you are connecting to an external monitor because the external monitors are much larger. For example, the native resolution on a modern MacBook Pro is an amazing 2560 x 1600. However, it made some things so small that one could barely see them. Reducing the resolution to 1440 x 900 made things much better.

---

<sup>6</sup> [SSD vs. HDD: What's the Difference?](#), by Tom Brant, *PCMag*, August 26, 2022.

## TOUCH

Many laptops now offer a touch screen. Even if you don't think you'll use it, there's no reason to avoid one of these. It's handy when reading a document or scrolling down a web page, primarily because we're accustomed to it from phones and tablets. No Apple laptops offer a touch screen, but many Windows competitors do.

## RECOMMENDATION

We recommend a 13.3" or 14" touch screen if your eyesight is good enough to see things easily on a smaller screen.

## OPERATING SYSTEM CONSIDERATIONS

### WINDOWS PC

If all your software is certified to work with Windows 11, you should go with Windows 11 Pro (not Home). Pro's advantage is that it includes BitLocker to secure your hard drive with encryption, which is vital for mobile devices with client data.

### MAC

There are no operating system choices to make.

## WARRANTY OPTIONS

### RECOMMENDED SYSTEM WARRANTY

Ideally, you want a three-year, next-business day, onsite warranty with 24x7 technical support. If you think you'll use your computer longer, most manufacturers allow you to extend your warranty to 4 or 5 years. However, we recommend cycling out computers every three years, so we don't get a warranty beyond that. Mail-in or carry-in warranties will extend your downtime and likely cause you some waiting and frustration. In our opinion, warranties that require shipping the computer somewhere or taking it to a store are unacceptable.

### WARRANTIES FROM THE MANUFACTURER ARE BETTER

For example, if you buy a Dell desktop from Amazon.com, they don't offer Dell factory warranties. Instead, they offer third-party warranties, which are, in our experience, vastly inferior to those purchased directly from Dell (like Dell's ProSupport warranties).

### TECHNICAL SUPPORT

Seek North American-based support from representatives for whom English is their first language. Nothing is more frustrating than trying to explain a problem to someone you can't understand. It's worth asking the question before you buy the computer - where is the support based? If technical support is offshore and you can't upgrade to something better, you might want to keep looking.

### ACCIDENTAL DAMAGE PROTECTION

If you are worried that you might accidentally break your laptop, this is an excellent added measure of protection. We recommend this protection for laptop computers, but it's probably not worth it for a desktop. It protects you against liquid spills, drops, falls, and surges (electrical). Manufacturers like Apple, Lenovo, and Dell offer this kind of coverage, and it's surprisingly inexpensive for three years.

## SECURITY ISSUES

### ANTIMALWARE AND FIREWALL SOFTWARE

At a minimum, you need antivirus software and a firewall. Broadly, antivirus software keeps malware off your computer and a firewall keeps hackers out. Windows 11 computers have both things built in, but the built-in options (like Windows Defender) typically rank low in antivirus reviews. Macs include a firewall but not an antivirus program, so you should buy one. Some big players for Windows or Mac include Bitdefender (a favorite), Malwarebytes, McAfee, Kaspersky, Webroot, and Symantec.

### FINGERPRINT READER

Fingerprint (biometric) readers allow you to block unauthorized computer users and log in quickly without entering a password. Many manufacturers include free encryption software with your system when selecting this option. This

lets you encrypt your computer so it is unusable without a valid fingerprint swipe. The added level of security is well worth the added cost.

### HARD DRIVE ENCRYPTION

You need to encrypt the hard drive if you have confidential client information on your desktop PC. If you have a MacBook, it comes with an encryption program called [FileVault](#). If you have Windows 11 Pro, you have an included encryption program called [BitLocker](#).

### BUNDLED OFFICE SUITE

If you get Microsoft Office preinstalled on your new computer, the software license typically restricts it to be installed only once and only on the computer it came with. Therefore, more lawyers are choosing to get Microsoft Office as part of a [Microsoft 365 bundle](#). You can transfer those installations of Office from one computer to another, get both the Windows and Mac versions, and install it on up to 5 PCs and Macs you use.

### KEYBOARDS

Many laptop models offer backlit keyboards, which are wonderful in low-light situations. If you're a touch typist, it's also worth test-driving the keyboard before you buy, if possible. Keyboards are not all created equal, even within the same brand.

### BATTERY

Laptop batteries are measured in terms of "cells." The more cells in your battery (3, 4, 6 & 9 are typical), the longer you'll be able to operate unplugged. You should also know that the bigger the battery, the heavier your laptop will be. If the laptop you choose has user-swappable batteries, a feature that's becoming rarer, just as with swappable memory and hard drives, then perhaps get an extra one as a backup. Otherwise, you can buy external laptop battery chargers for emergencies. These external batteries charge via USB or USB-C and can "top off" USB-C-powered computers, smartphones, and tablets.

### WEBCAM AND MIC

Any business laptop should have a built-in webcam and integrated mic so you can participate in Web meetings, Zoom, Teams, and use other similar services without buying any additional accessories.

### OPTICAL DRIVE/DVD

Today, most laptops do not include an optical drive of any type. While software used to come on DVD, today it's all downloaded. If you need an optical drive, you're better off getting an external drive that connects via USB and can use it when needed. You can buy a nice USB-C external DVD drive for about \$35 online.

### PORTS

A port is a connection point for attaching peripherals or other external devices to your computer. When buying a laptop today, look for Thunderbolt 3 or USB-C ports. The newest models will have Thunderbolt 4 / USB-C 4 ports. These ports use the same cables, and devices are interchangeable between them. These new, high-speed ports can transfer data while supplying power. Thunderbolt is faster than USB-C in terms of data transfer, but devices that work with USB-C will work with Thunderbolt. However, Thunderbolt devices will not necessarily work with USB-C ports, even though the physical connectors look identical. The Thunderbolt device may demand a higher data speed than USB-C can provide.

### DOCKING STATIONS OR PORT REPLICATORS

A docking station or port replicator (a "dock") is a peripheral that connects to your laptop and allows you to connect many other devices to your laptop simultaneously. In many cases, a dock can also provide power to your laptop. For example, the [CalDigit TS4 Thunderbolt dock](#) is a top-rated model. One Thunderbolt cable connects to the laptop and provides charging power and access to 18 ports on the dock, including four traditional USB ports, 2.5 GbE gigabit ethernet, optical audio, two USB-C ports, a two Thunderbolt ports, a DisplayPort connection, and an SD card slot, all through one cable to the MacBook.



Connected to the dock, one can have two 24" monitors, an external keyboard, mouse, a [Ricoh ScanSnap iX1600 scanner](#), a network cable (providing Internet and connectivity), and a Logitech 4k webcam. As a result, connecting the one little Thunderbolt cable to the laptop automatically connects the laptop to all those peripherals. When ready to go home at the end of the day, simply unplug the dock and leave with the laptop. At home, you could have another dock with all the same peripherals connected so you could work from either location in the same manner. This may not sound like a big deal, but having a dock is a huge convenience. Further, if your laptop doesn't have enough built-in ports for you to connect to all those things simultaneously, a dock is really the only way to do it. The CalDigit TS4 (MSRP \$400) is one of many Thunderbolt docks on the market.

## TYPES OF NOTEBOOK COMPUTERS

The categories of notebook computers change regularly and are becoming a bit bewildering. In the last five to ten years, we've seen an explosion of new form factors and use cases, all within the overarching category of "laptop" or "notebook." For our purposes, we will ignore non-business types like "gaming" laptops, but still, a would-be buyer can choose from Ultrabook, Evo, Convertibles, 2-in-1s, and more.

Think back to what laptops looked like and how they behaved about ten years ago. Apart from speed and storage, which would naturally improve over time, they were boxy and ugly. One of the revelations the computer hardware industry learned from Apple's original [MacBook Air](#) was that computers with "enough" power could also be thin, light, and attractive. That original Air is today best remembered for its introduction, where Steve Jobs pulled it out of a standard inter-office mail envelope. Most laptops today, excluding gaming or workstation-class machines, fit in inter-office envelopes. But it was a revolutionary concept then and caused the entire industry to think creatively about form factors.

### ULTRABOOKS

[Ultrabook](#) was Intel's first attempt at a coordinated, PC industry-wide response to the MacBook Air. Think ultra-thin, ultra-fast, and ultra-light. Intel defined the initial set of specifications in 2011 and has updated them regularly. An ultrabook is a very thin, light, and powerful notebook PC with excellent battery life, touchscreen capability, and advanced security. Good examples include the [Lenovo ThinkPad X1 series](#) and the [Dell XPS series](#).

### ULTRABOOK 2 IN 1 OR CONVERTIBLE

These devices blur the line between a laptop and a tablet and are sometimes called [hybrids](#). The screens detach, flip, or slide into position so that the device is more of a tablet than a laptop. Of these various designs, the "flip" models are more common, affordable, and practical than the "detach" models. Examples of well-regarded "flip" models include Lenovo's [Yoga](#) and [ThinkBook](#) lines. Both have screens that swivel, fold backward, and support pen-based input, similar to many tablets. Their advantage over tablets is that they also run standard Windows applications and possess traditional keyboards and trackpads built-in rather than as add-on accessories.

Additional examples of 2-in-1s include the [Microsoft Surface Pro](#) and the [HP Elite x360 models](#).

Determining if a 2-in-1 fits your practice depends mainly on how mobile you are, *i.e.*, how often you visit client sites, and whether you have found or think there is a place for pen-based input, such as digital notetaking. As mentioned above, the advantage of the "switchable" form factor is that you get a "real computer" and a tablet in one device. The disadvantages include losing some truly attractive tablet features—battery life, portability, and an overall better notetaking experience.

### EVO LAPTOPS

Intel's [Evo](#) specification is the successor to Ultrabook. The Evo laptop specifications from Intel require a manufacturer's laptop to support Wi-Fi 6, Thunderbolt 4, and get at least 9 hours of battery life. Evo has not introduced new form factors as Ultrabook did; instead, it focuses primarily on internal improvements. Additionally, the Evo brand hasn't received the same marketing push or notoriety. For research and shopping purposes, you will likely find ads conflating Ultrabook and Evo. In those cases, pay primary attention to the specs rather than the marketing term. For example, Intel's website advertises certain models of the Dell XPS, HP x360, and Lenovo Yoga as Evo laptops.

## OTHER CATEGORIES

If you look at reviews of laptops on a site like [Laptop Mag](#) or [Wirecutter](#), they use categories like best Ultrabook, best gaming laptop, best laptop/tablet (see 2-in-1 above), and best business laptop. In our professional opinion, you're better off looking for a business laptop. Some notebook models are aimed at business users, and others are not. Pay attention to the product positioning because it signifies meaningful differences in everything from included software and price to available support and product durability.

## ACQUIRE A SEARCH PROGRAM OR A DOCUMENT MANAGEMENT SYSTEM

Even if you've created a good file naming convention, you'll still need help finding some documents. Now that you've created searchable PDFs, you can search through all of them at once, quickly, by searching for particular words. Here is a survey of your options:

### WINDOWS SEARCH OPTIONS

#### WINDOWS SEARCH

This is free and is included with Windows. It's available directly from the Windows taskbar, in every version of Windows 10 and 11. Visit [Microsoft's support page](#) to learn more about using it.

#### COPERNIC DESKTOP SEARCH

Copernic offers four editions of Copernic Search: Basic (\$25/yr), Advanced (\$40/yr), Elite (\$87/yr), and Server (contact them). Unless you're installing it in a larger firm, you need the Basic edition. It does not search cloud-based email, but will search Microsoft Office documents, PDF documents, and the major cloud sync vendors (Dropbox, Google Drive, and Microsoft OneDrive).

Copernic Advanced and above add the ability to search EPUB books, documents stored on Microsoft 365, emails stored in Outlook online, and WordPerfect documents.

Elite further adds text recognition in images (OCR), Microsoft Teams, and SharePoint searching.

See [Copernic's website](#) to learn more.

#### X1 SEARCH

RECOMMENDED: \$79/yr – Very fast searching of “desktop files, remote file shares, emails, attachments, SharePoint data, and more.” X1 Search for Windows is a powerful desktop search utility that provides near-instant results across emails, files, and documents stored locally and in connected data sources. It is especially popular among professionals who need fast, enterprise-grade search with advanced filtering and indexing capabilities.

See [X1's website](#) to learn more.

#### DTSEARCH

dtSearch Desktop (\$249) is an advanced search engine software for Windows that specializes in indexing and searching large volumes of documents, emails, and databases with high speed and precision. It supports over 25 full-text and metadata search options, including Boolean, proximity, and fuzzy searching, making it well-suited for e-discovery and legal environments. dtSearch is widely used for enterprise and litigation support applications.

For those looking to use dtSearch for forensics, e-discovery, and similar professional work, dtSearch recommends an “investigative” license for dtSearch Desktop (\$1,225/yr).

If you need industrial-strength search capability involving enormous numbers of documents, this is your program. If you use [PracticeMaster](#) as your practice management program of choice, it will [integrate directly with dtSearch](#).

Visit [dtSearch's website](#) to learn more.

#### IN SUMMARY (WINDOWS)

- **Windows Search** is good enough for everyday users who just need to quickly find files and apps.

- **Copernic** is a middle ground: better search and filtering than Windows Search, affordable, and approachable for professionals.
- **X1** is the heavyweight: fastest and most comprehensive, designed for power users, enterprises, and legal/eDiscovery environments.
- **dtSearch** is a specialist built for indexing and searching huge data collections with advanced Boolean, proximity, and fuzzy search. It is widely used in legal discovery, compliance, and forensic contexts.

## APPLE/MAC SEARCH PROGRAM OPTIONS

### SPOTLIGHT SEARCH IN MACOS

This is included with the macOS operating system. For more information, see [Apple's support page](#).

### HOUDAHSPOT

HoudahSpot (\$34) is a powerful file search utility for macOS that builds on Spotlight's index (see above) while offering far more advanced filtering and customization. It allows users to create complex, repeatable searches with multiple criteria, saved templates, and highly configurable result views. Popular among researchers, writers, and professionals, HoudahSpot is valued for its speed, precision, and ability to uncover files that Spotlight alone might miss.

Visit [Houdah's website](#) to learn more.

### PATH FINDER

While HoudahSpot could be considered "advanced Spotlight," Path Finder (\$33/yr) offers more than improved search functions. Path Finder is a feature-rich file management application for macOS that serves as a more powerful alternative to the Finder. It offers dual-pane browsing, folder synchronization, advanced file tagging, batch renaming, and integrated terminal access, making it especially useful for power users and developers. With its highly customizable interface and support for plug-ins, Path Finder is often chosen by those who need deeper control and efficiency in managing large or complex file systems.

Visit [Path Finder's website](#) to learn more.

### IN SUMMARY (MAC)

Once you've decided you need more than what macOS natively provides. The choice between HoudahSpot and Path Finder is one of whether you need advanced file search or advanced file organization.

- **HoudahSpot** is best when your challenge is finding files.
- **Path Finder** is best when your challenge is managing and organizing files.

They complement each other rather than compete, and many power users run both.

## WHAT SEARCH PROGRAMS DO

Search programs "read" through all documents you've created in a word processor or scanned, and they build an index of the text contained therein. Once the program builds its index, you can search through all those documents by either filename or the words contained inside them. When searching for words contained inside the documents, you can use the standard Boolean logic (and, or, not, etc.).

# MANAGING YOUR DOCUMENTS WITHOUT A DOCUMENT MANAGEMENT SYSTEM

## TWO BASIC APPROACHES FOR MANAGING DOCUMENTS AND EMAIL

The less expensive option is to create a centralized folder/file system on a shared drive and use that in conjunction with a search program. The more expensive but comprehensive solution is to implement a document management system.

## ELECTRONIC FILE MANAGEMENT WITHOUT BUYING A DOCUMENT MANAGEMENT SYSTEM

### CONSOLIDATED FOLDER STRUCTURE

If you don't have a document management system, it is critical that documents are saved by client/matter, not by user. Saving documents by user can create lots of problems, such as:

- Docs for one client in more than one folder
- Revision conflicts
- Losing things permanently if staff turns over

Saving documents on users' C:\ drives is a big no-no. Saving documents by client or matter in one central location is a better option. You can create a logical directory layout, find documents easier, it makes backing up your documents simpler, and you can use Windows security to limit access for users. Two main options for file structure:

### SAVING BY PRACTICE AREA

If S:\ is your server drive, you'd create a folder called S:\Documents, and sub-folders for each practice area thereunder:

- S:\Documents\Corporations
- S:\Documents\Estate Planning
- S:\Documents\Miscellaneous
- S:\Documents\Probate
- S:\Documents\Real Estate

Under each practice-area folder, you'll create additional sub-folders for each client name such as:

- S:\Documents\Real Estate\Smith, John
- S:\Documents\Real Estate\Rosedale, Meredith

If you conduct multiple transactions for a single client in the same area (i.e., you represent an individual in the sale of one house and the purchase of another), you might want to create separate sub-folders for each deal such as:

- S:\Documents\Real Estate\Smith, John\Sale of 123 Maple St
- S:\Documents\Real Estate\Smith, John\Purchase of 400 E Main St

The documents created for each transaction would then be located under the appropriate sub-folder. For example, the path and file-name for the deed might be:

- S:\Documents\Real Estate\Smith, John\Sale of 123 Maple St\2004-09-21 - General Warranty Deed.doc

### SAVING BY CLIENT

If S:\ is your server drive, you'd create a folder called S:\Documents, and sub-folders for each client thereunder:

- S:\Documents\Smith, John
- S:\Documents\Rosedale, Meredith

If you conduct multiple transactions for a single client in the same area (i.e., you represent an individual in the sale of one house and the purchase of another), you might want to create separate sub-folders for each deal such as:

- S:\Documents\Smith, John\Real Estate - Sale of 123 Maple St
- S:\Documents\Smith, John\Real Estate - Purchase of 400 E Main St

The documents created for each transaction would then be located under the appropriate sub-folder. For example, the path and file-name for the deed might be:

- S:\Documents\Smith, John\Real Estate - Sale of 123 Maple St\2021-09-21 - General Warranty Deed.doc

### FILE STRUCTURES TO AVOID

- S:\Jim\Smith, John\Sale of 123 Maple St
- S:\HRK\Smith, J\Real Est - Sale of House
- S:\Sally\Smith\Real Estate - Sale on 3-4-2022

The foregoing folders are all for the same matter which is being worked on by 3 different people in the same firm. They each have created their own folders for it with different naming conventions and all of them are under the employee's name or initials. This is a very common scenario and the reason that law firms waste so much time trying to find things.

### ESTABLISH FILE NAMING CONVENTIONS

#### FILE NAMING LIMITATIONS IN WINDOWS

Each file in Windows is located at a "path." The term path refers to the complete location of your file, not just the name. For example, "C:\Docs\Letter to Client" has a file name that's 16 characters long ("Letter to Client"), but a path of 19 characters ("Docs" and "Letter to Client"). The "Docs" portion and the "Letter to Client" portion can each be 255 characters. The "full path" limitation, meaning all folders, subfolders, and file name combined, is an astounding 32,767 characters.

If you need to more than 255 characters for each path component and file name, Microsoft provides instructions [here](#). You should work with your IT vendor to implement this change as it involves editing the [Registry](#), a technical part of Windows.

But, assuming you're not nesting files and folders with immensely-long names, 255 characters is a lot, and a huge improvement over Windows' original 8 character limitation. Therefore:

- Then: wjcpc01.dep
- Now: 2021-10-30 - James Smith Perjury Case Deposition 01.docx

### UNACCEPTABLE CHARACTERS

Windows reserves several characters for internal use and forbids them from being used in a file name. A file name may not contain any of the following characters:

- < (less than)
- > (greater than)



- : (colon)
- " (double quote)
- / (forward slash)
- \ (back slash)
- | (vertical bar)
- ? (question mark)
- \* (asterisk)

### FILE NAMING LIMITATIONS FOR MACS

Modern Apple Macs and iOS devices run on the Apple File System, released in 2017. Mac file names are also limited to 255 characters.

### UNACCEPTABLE CHARACTERS

Apples reserves a single character for internal use and forbids it from being used in a file name.

- : (colon)
- Additionally, while not a restricted character, starting a file name with a period (e.g., ".Letter to Client.docx") will cause that file to disappear from view. It's still present and recoverable, but it's best to avoid the problem. Macs hide all file names starting with a period from the user's view.

### RECOMMENDED PROTOCOL

If you would like everything sorted by date (which is what most lawyers like), simply precede every file name with a date, year first. If you enter the date month/day/year, then all of the January files (for all years) are lumped together, all of the February files are together, etc. Our file naming convention:

2021-10-30 - Letter to John Doe re billing system.docx

The date indicates the date the document was mailed out if it's a letter; and the longer description makes it clear what this document contains without even opening it. If you are scanning a document you received, then the date should be the date the particular document was received.

If you prefer documents organized by type rather than date, you could do the following:

Letter - John Doe re billing system- 2021-10-30.docx

In this second example, the files will not be organized by sent or received date, but by type. All "Letters" together, all "Pleadings" together, and so forth. The most important part is not the order, but the consistency:

- Affidavit - ;
- Complaint - ;
- Letter - ;
- Pleading - ; and
- Settlement - .

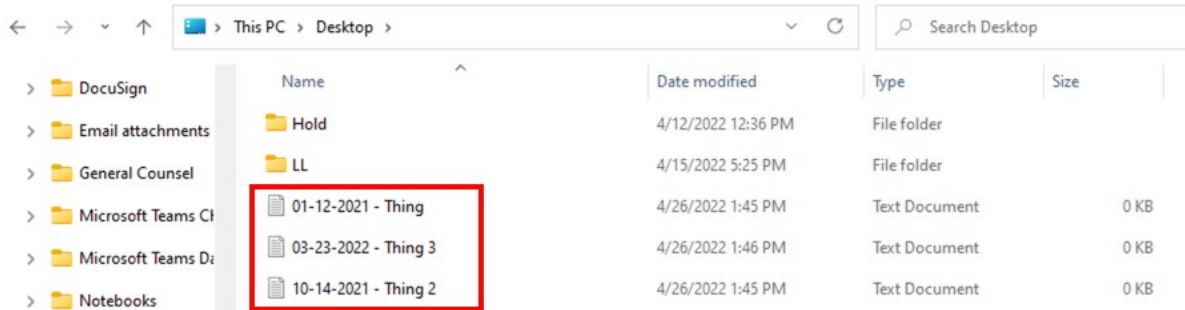
or

- 2021-10 - ;
- 2021-12-11 - ;
- 2022-01-04 - ; and
- 2022-02-22 - .

## VALUE IN ADDING A DATE YOURSELF

First, the value in using the European date model (4 digit year, 2 digit month, and 2 digit day) is to force everything to be in date order. Using the American model would produce a flawed order in Windows:

- 01-12-2021;
- 03-23-2022; then
- 10-14-2021.



Second, adding the date yourself tells you when you sent or received a document. It does not rely on the date in the document because the document could have been sent later than it was dated, lost in the mail, etc.. Additionally, adding the date to the file name prevents reliance on an operating system date for “date created” or “date last modified”, something that can be altered by an action as small as opening, but not even editing, the file.

## STORE EMAIL OUTSIDE OF YOUR EMAIL APPLICATION

### PROBLEMS CAUSED BY STORING EMAIL ONLY IN WEBMAIL OR EMAIL APPLICATION

A significant problem most law firms struggle with (if they do not own a document management system) is saving and finding matter-specific email. Why? Because people (1) keep them in their individual inboxes (which no one else can see), or (2) save them in subfolders within their own inbox (which no one else has access to), or (3) delete the email altogether. Email is valuable correspondence that in most circumstances should be saved. However, in a law firm or legal department, it should not be saved exclusively within one's own individual inbox.

### STOP PRINTING EMAIL

Because people understand that email sitting in their inbox is difficult for anyone else to find, they start printing it. However, stuffing your paper files with printed email accomplishes little, if anything, useful. It makes your files fatter and makes it even more difficult to locate the particular documents you're looking for once you find the file. Instead, you need to capture email electronically by creating files from them.

### CREATE FILES FROM YOUR EMAIL

Because an email is just a record in a database (not a file like an MS Word file) and can't easily be shared or found by anyone else in your office, it is necessary to create files from those emails. The files created should be stored with all other documents related to a matter. They can be segregated out into an email folder under each matter or many people prefer to lump them in with all correspondence. Here are some of your options:

#### WEBMAIL

If you access your email exclusively via a website (like Gmail), then your options are limited to creating a PDF from your email one at a time. Of course, you'll need a program which allows you to create PDFs in the first place such as Acrobat (not free) or Primo PDF (free).

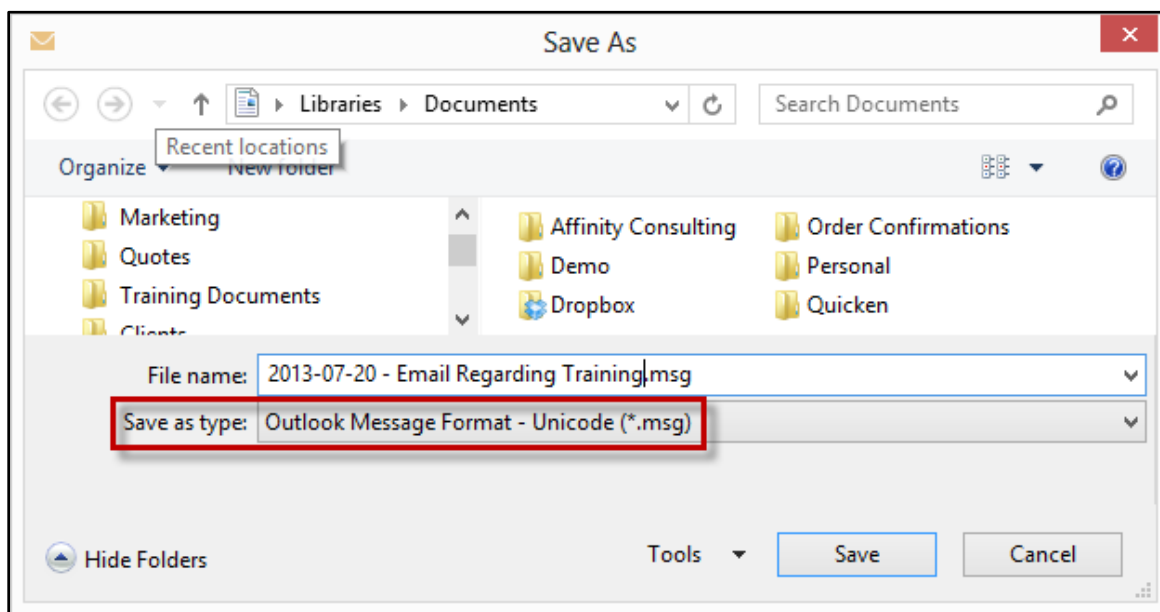
As a side note, we strongly recommend that you get an email application to store and organize your email rather than relying on a website like Gmail or Yahoo. In our opinion, webmail is not a good idea for lawyers because it is often hacked, it's not accessible when you're offline, it doesn't integrate with other programs, it can't be saved as a file (only printed to PDF) and it is difficult to organize by matter. If you don't want to use Microsoft Outlook, then consider a free email application like Mozilla Thunderbird, which will run on a Windows or Mac PC. Email programs

like Outlook or Thunderbird can easily be set up to routinely download the email from your webmail account and you typically have the option of leaving the downloaded email on the web or deleting it as soon as it is downloaded. It is not difficult to set up an email program like Outlook to work with your existing webmail account. Most email providers have the instructions right on their website. For example, if you use Gmail, then just see this: <http://tinyurl.com/d96lc6k>. If you have an option between POP and IMAP as email connection methods, choose IMAP. Gmail allows you to pull its email into an email program for free. Some webmail providers charge you for this privilege such as Yahoo. With Yahoo, you have to upgrade your free account to a paid one (\$19.99/year for Mail Plus) and then you can pull it into an email program.

#### SAVE OUTLOOK EMAIL AS MSG FILES

You can save email much like you save a Microsoft Word document clicking the File menu ▢ Save As (Outlook 2003, 2010 & 2013) OR Office Button ▢ Save As (Outlook 2007). We recommend that you save as Outlook Message Format - Unicode (\*.msg). If you're using Outlook 2003, it will default to HTML but you can switch to MSG. If you're using Outlook 2007 or 2010, it will default to MSG.

A huge benefit to saving MSG files is that it also captures the attachments to the email you're saving inside the MSG file. So if you forgot to separately save the attachments, it won't matter because when you open an MSG file, they're right there. Furthermore, MSG files are still email files (even though they're no longer stored in Outlook) so you can open one you saved previously and forward it, reply to it or anything else you could do with an email you open in Outlook.

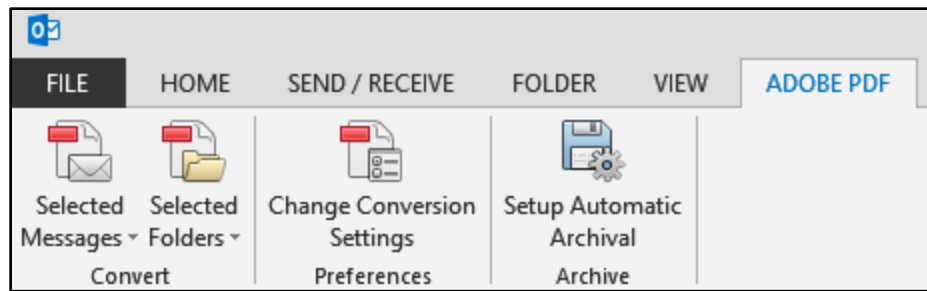


You may notice that you have a choice of Outlook Message Format and Outlook Message Format - Unicode. The Unicode format is the current standard for Outlook and holds support for international characters. The non-Unicode one saves msg-files in the ANSI format. The ANSI format is the only format that Outlook 2002 and previous can read. Outlook 2003 and later can read ANSI formatted and Unicode formatted msg-files. Dragging and dropping messages out of Outlook into an Explorer folder will by default save it in the Unicode format.

You can also save email as Text Only although you'll lose any formatting that was in the email. Saving as an MSG file will retain the original formatting, look and feel of the email.

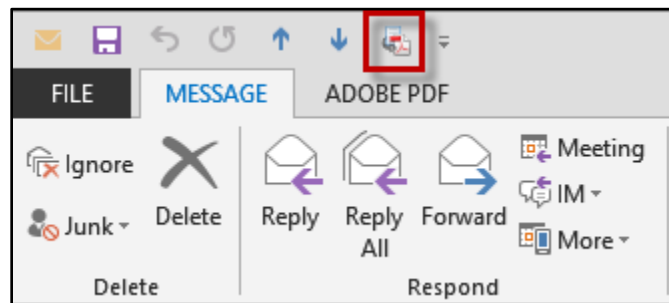
#### SAVE OUTLOOK EMAIL AS PDF FILES

This is made infinitely easier if you use Acrobat Standard or Pro and take advantage of the integration between Outlook and Acrobat. By using the ribbon shown below, you can make PDFs of single email, multiple emails at once or even entire folders at once. You can also set up Automatic Archival so any email that ends up in a particular folder is automatically archived into a PDF without you doing anything.



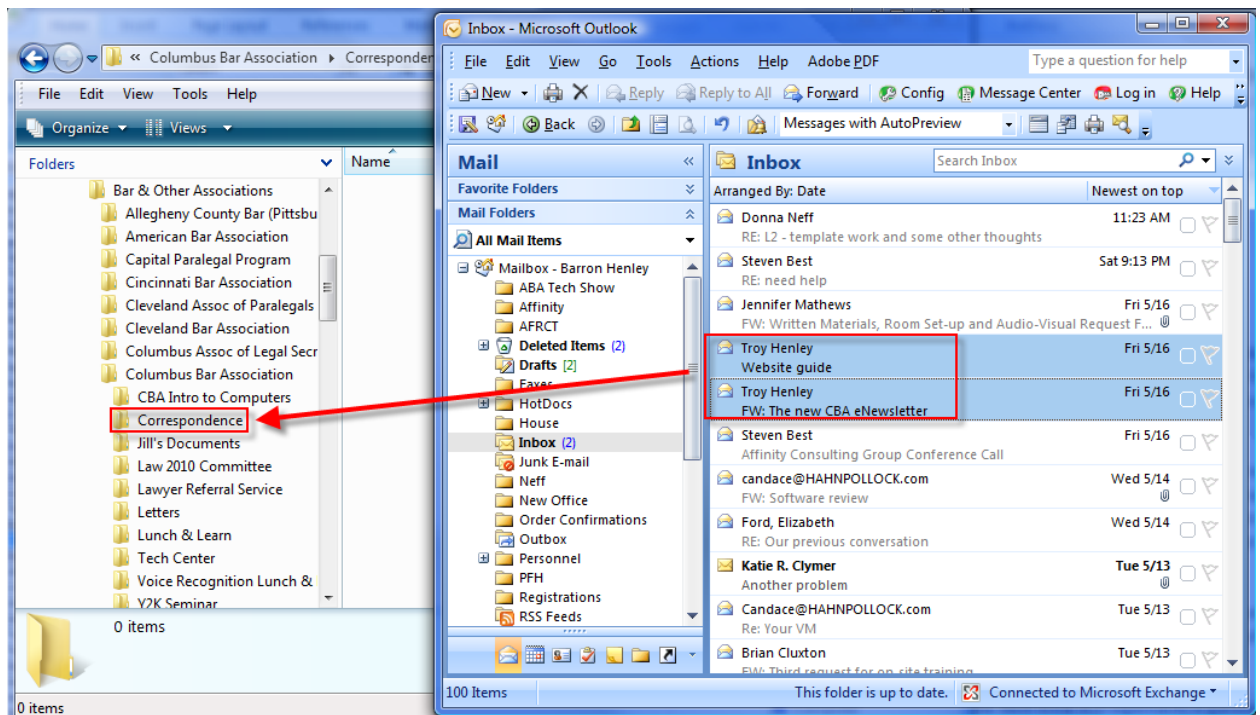
Using the Acrobat integration also captures attachments inside the PDFs you create from email automatically (same as MSG files). Another benefit of creating PDF files from your email is that PDFs are viewable on just about any device. MSG files, on the other hand, can only be viewed in Outlook, Thunderbird and a few other programs. So from a future-file-access perspective, PDF is much safer than MSG.

In addition to the foregoing, Acrobat also allows you to add a button to the Outlook Quick Access Toolbar called Convert to Adobe PDF so that you can open any email and click a single button within the email to convert it to PDF. This method also saves the attachments inside the PDF just like using the ribbon mentioned above. Below is a screenshot of my Quick Access Toolbar in Outlook 2013 with my PDF button highlighted.



#### *SAVE OUTLOOK EMAIL BY DRAGGING INTO A FOLDER*

You can clean out your inbox or subfolders under your inbox by cascading the windows and simply dragging and dropping all of them into the desired folder. This will COPY the emails over into that folder, saving them automatically as MSG files, which preserves the metadata and all attachments.



## SEARCH PROGRAMS

One of the most common problems facing law offices is difficulty in finding their existing documents. If you have a document management system then you probably don't need a separate program for searching because all good document management systems have that functionality built-in. If you don't have a document management system, then these programs are essential.

## WINDOWS SEARCH OPTIONS

Even if you've created a good file naming convention, you'll still need help finding some documents. Now that you've created searchable PDFs, you can search through all of them at once, quickly, by searching for particular words. Here is a survey of your options:

### X1 SEARCH

RECOMMENDED: \$79/yr - See <https://www.x1.com/products/x1-search/>. Very fast searching of "desktop files, remote file shares, emails, attachments, SharePoint data, and more."

### COPERNIC DESKTOP SEARCH

See [www.copernic.com](http://www.copernic.com). There are five editions of Copernic Search, Free, Knowledge Worker (\$15/yr), Professional (\$26/yr), Advanced (\$56/yr), and Server (contact them). Unless you're installing it in a very large firm, you only need the Professional edition. You can try the free edition, but among its limits are that it does not search email, MS Office documents, or PDF documents, and it only indexes 25,000 files. Copernic (Knowledge Worker and above) will search all of your files (Word, Excel, PowerPoint, PDF, HTML, WordPerfect, text and another 119 types of files). It will also search Outlook and any attachments to email.

### DTSEARCH

RECOMMENDED: See [www.dtSearch.com](http://www.dtSearch.com) - \$199 - one of the most sophisticated and fast search engines I've ever seen. It provides the most search options and file types that it can recognize. If you need industrial strength search capability involving enormous numbers of documents, this is your program.

### WINDOWS INSTANT SEARCH

This is free and is included with Windows.

## APPLE/MAC SEARCH PROGRAM OPTIONS

### *HOUDAHSPOT*

RECOMMENDED: \$34 - see [www.houdah.com/houdahSpot](http://www.houdah.com/houdahSpot)

### *PATH FINDER*

\$40 – see <http://www.cocoatech.com/pathfinder/>

### *SPOTLIGHT SEARCH*

This is included with the macOS operating system. For more information, see <http://support.apple.com/kb/HT2531>

# THE CASE FOR GOLD STANDARDS + WORD PROCESSOR AUTOMATION

## BENEFITS OF FORMS PLUS WORD PROCESSOR AUTOMATION

### AN EXCELLENT STARTING POINT FOR EXAMINING YOUR WORKFLOWS

Before diving headfirst into product research and spending money on more software and subscriptions, start with what you have on hand: existing document samples, a word processor, and something for notetaking. Start with a core document, be it a pleading, trust, or operating agreement. Use this central document to begin your analysis process. As an example, let's start with a pleading.

Every pleading has core "reusable parts," such as the caption, signature block, and certificate of service. Rather than struggling with creating a new caption for each pleading, or hunting down the last pleading you did of that type, a gold standard template would have a caption "ready to go," like grabbing a sample pleading from a forms bank, except this gold standard pleading comes pre-made with your tested and preferred language, formatting, etc. As you break down a generic pleading template you can see the cross-purpose use of the core template. Furthermore, you see how it relates to associated documents like requests for production and replies. Analysis of each of your form/document types, as well as your choices for variable or fill-in-the blank information, helps you decide on further information gathering needs and what additional documents to pursue as potential templates. As an added benefit, it also helps you rethink client/case intake procedures.

### LEARNING HOW TO USE WHAT YOU ALREADY OWN IS A GREAT INVESTMENT

No matter what road you take in the future, the investment in a word processing program is a given. Leveraging as many features as possible keeps the initial costs of software down, and exploration of simple automation options is an educational experience and helps inform you of limitations and goals should you choose to investigate expanded options.

### SIMPLICITY OF CREATION

In Microsoft Word, very small libraries of terms, conditions, and optional clauses can be maintained with AutoText, Quick Parts, and other tools. If you're unfamiliar with these, Microsoft's help or a quick web or YouTube search yields plenty of guidance.

### QUICK AND EASY TRAINING

Word processor forms automation is an easily teachable and delegated task. Furthermore, when combined with proper formatting/styling options, it yields professional and consistent results.

### ABSOLUTE FLEXIBILITY

Don't like the look of a form? Want to add new clause options? No programmer necessary here. With some basic knowledge you have absolute control over the work product environment.

## DRAWBACKS

- You must have a strong grasp of jurisdictional rules and requirements. No one is going to warn you that the form does not meet the guidelines. As a result, some users may struggle form automation if they do not possess enough prior knowledge in the field.
- Updates or changes in rules and regulations mean that you are responsible for a forms library overhaul.



- Though training may be a simple matter, it's in the hands of the firm.
- Changes in core word processor technology are your problem. If a newer version of your favorite program alters, adds, or eliminates a feature, it's up to you to re-think your template/forms library.
- Decision based (if/then) logic can be well beyond the native capabilities of a word processor without programming knowledge.

## WHY TEMPLATE BUILDING IS CRITICAL FOR ALL LAW OFFICES

### GOLD STANDARD TEMPLATES

To capture your office's intellectual capital and put it into a usable form, you need to spend time creating "gold-standard" templates which represent the best of what your firm knows.

### WORD PROCESSOR BASED (INEXPENSIVE AND EASY)

You want your templates to be word processor documents so they can easily be edited and updated later.

### ERROR REDUCTION

Building Gold Standards eliminates all the potential causes of error best described as "find, rename, and modify". Using a gold standard template means that you don't have to find a recent, or not-so-recent, version you did for a past client, after racking your brain for that client's name, change the relevant details, delete the irrelevant parts, and hope it all makes sense.

### DRAFTING IS A MISSION CRITICAL FUNCTION FOR MOST LAWYERS

There are many practice areas in which attorneys themselves perform most of the drafting. In many cases, the service rendered is a set of documents (estate planning, etc.). The "find, rename, and modify" drafting method described above is incredibly inefficient and suffers from a high margin for error. It is inappropriate to rely on such inadequate drafting methods considering the task's importance.

### THE HYPER-COMPETITIVE LEGAL MARKET PENALIZES LAWYERS WHO WORK SLOWLY

For many years, the legal industry lacked the incentive and ability to change its inefficient "find, rename, and modify" drafting method. With hourly billing predominant, slowness isn't penalized, and often unfortunately rewarded. Furthermore, assistive software tools, which entailed excessive complexity, faced adoption barriers.

However, the emergence of flat fee billing and other non-hourly methods created an incentive to generate documents more quickly. Competition has increased significantly in the legal industry in the last 25 years. Technology has enabled firms to handle much higher volumes than they could in past decades thereby forcing administrative tasks like drafting to become more efficient. Now lawyers seek ways to generate documents quickly without sacrificing accuracy. Sophisticated form building achieves those objectives. Document assembly technology allows even greater efficiency gains.

### SPEED GAINS

Imagine a tool that could save you hours each day. If you're buried in drafting and it's a stressor in your workload, then template building can make a big difference. Here's an example regarding Will drafting:

#### DRAFT A WILL USING "FIND, RENAME, AND MODIFY"

This can easily take an hour depending upon complexity and has a high margin for error.

#### DRAFT A WILL USING A GOLD STANDARD TEMPLATE

This can take half the time (30 minutes) and improve accuracy.

#### DRAFT A WILL USING DOCUMENT ASSEMBLY

This may take 3 - 5 minutes and offers the highest accuracy.

## TEMPLATES ALLOW YOU TO SHARE WHAT YOU KNOW WITH OTHERS

The phrase “knowledge management” describes a lawyer’s ability to share what they know with others in their firm. Unfortunately, much of this knowledge lives “trapped” in documents the lawyer creates. Processes and drafting methodologies are often never written down. However, building templates allows you to convert what you and your colleagues collectively know about a practice area, as evidenced by the firm’s “library” of work product, and perform a “brain dump” into an expert drafting system.

For example, assume you have five lawyers in your real estate department, and they collaborate to build sophisticated gold standard templates for leases. A new associate, Jim, needs to draft a lease in which your firm represents the landlord of a strip mall, and the proposed new tenant is a restaurant business. The templates and drafting guides could skillfully walk Jim through the process, making sure that he...

- is using the latest and best form your firm has prepared and
- addresses all issues that should be addressed in a lease of this type (strip mall, food service tenant, your firm is representing the landlord, etc.).

A partner’s review takes minutes instead of hours because the first draft was so well done, even by a relative rookie. The drafting system ensures that the firm’s collective knowledge is utilized in every deal; even though the documents are generated in much less time than the old “find, rename, and modify” method.

## WHY THE CLOUD IS IMPORTANT FOR DISASTER AVOIDANCE

Any hardware or software you have onsite is at risk of crashes, power and Internet interruptions, natural disasters, sabotage, and theft. Whether you rent a software application (like a case management program) or you rent server access (aka hosted servers), the computers you're accessing are in data centers with Fort Knox security, redundant/backup power, redundant Internet access, and fault tolerance few law firms in the world could afford to build in-house. A Tier IV (highest) rated data center guarantees 99.995% uptime.

Suppose your servers or software are accessible via the Internet, and disaster befalls your office. In that case, you just have to get somewhere with power and an Internet connection to regain access to everything. Due to the fault tolerance of data centers, you're not likely to lose access otherwise due to power, Internet, sabotage, or theft.

Here's another opinion on this subject from a Chicago-based lawyer:

"Here is my outlook. It's simple.

I am not a data expert. I am not a tech expert. I am not a security expert. Given this information, I refuse to keep client data on premises, in our systems, etc.. I practice law. But that in no way makes me suitable to make decisions about my clients' data. Perhaps the easiest thing law firms can do is to put data in the hands of experts (and understanding that those experts are not attorneys). Offsite servers that are encrypted, protected and have teams of people ensuring their security are any law firm's best friend. In my opinion, they are underutilized in the industry."<sup>1</sup>

### DEFINITIONS RELATED TO CLOUD COMPUTING

#### SAAS OR SOFTWARE AS A SERVICE

Users access SaaS via a web browser rather than purchasing and installing software on a computer or server. Your data is stored in the vendor's servers in a data center (see "Data Center" below) rather than in your office. There are a ridiculous number of definitions of SaaS, but I think this one sums it up succinctly without using 15 more acronyms requiring definitions:

"Generally speaking, it's software that's developed and hosted by the SaaS vendor and which the end user customer accesses over the Internet. Unlike traditional packaged applications that users install on their computers or servers, the SaaS vendor owns the software and runs it on computers in its data center. The customer does not own the software but effectively rents it, usually for a monthly fee. SaaS is sometimes also known as hosted software or by its more marketing-friendly cousin, 'on-demand.'"<sup>2</sup>

To be clear, this means that you do not have the software installed on your computer - it is accessible only via a browser on the Internet. Further, your data and documents are on the vendor's servers, not your computer or server.

---

<sup>1</sup> Nate Lord, "Law Firm Data Security: Experts on How to Protect Legal Clients' Confidential Data," *Digital Guardian*, August 22, 2023, quoting Jared Staver, <https://digitalguardian.com/blog/law-firm-data-security-experts-how-protect-legal-clients-confidential-data>.

<sup>2</sup> Meridith Levinson, "Software as a Service (SaaS) Definition and Solutions," *CIO*, May 15, 2007, <https://www.cio.com/article/2439006/software-as-a-service-saas-definition-and-solutions.html>.

## PAAS OR PLATFORM AS A SERVICE

PaaS is a derivation of SaaS that allows users to rent hardware, operating systems, storage, and network capacity over the Internet. Salesforce.com is an excellent example of this with its Customer Relationship Management (CRM) product. Salesforce's platform allows outside developers to create add-on applications that integrate into the main application and are "hosted" on the company's infrastructure. For example, [Advologix](#) is a legal case management system built on the [Salesforce](#) platform.

## IAAS OR INFRASTRUCTURE AS A SERVICE

In most cases, this means renting access to a server located in a data center (see "Data Center" below). The server provides processing power and electronic storage over the Internet. The server is available on-demand, and the provider is usually responsible for maintaining the server and providing backup and technical support.

## HYBRID APPROACHES

Of course, there are slight variations on these ideas. With pure SaaS, you don't own anything except your data. However, services like hosted Exchange<sup>3</sup> are a little different. In that case, you can own the application necessary to view the data (Outlook). It's installed on your computer, you own the data, and you can access/view it offline regardless of whether you continue subscribing to the service. You are also renting a server with Hosted Exchange, which has aspects of SaaS and IaaS.

Microsoft's 365 Business Basic, Business Standard, and Business Premium plans offer email hosting. Microsoft hosts your email via its Exchange email server product. These are examples of SaaS. Two 365 plans, Business Standard and Business Premium, include the traditional Windows and Mac versions of Excel, Outlook, PowerPoint, and Word. Connecting the desktop Outlook application to cloud-hosted email is an example of a hybrid approach.

## COLOCATION

You can also buy and install a server in a data center (see "Data Center" below). Absent extraordinary conditions, a law firm owning and maintaining a server in a data center makes little sense today. If you do not wish to use cloud-based programs or they are inadequate for your practice, hiring an IaaS vendor is likely the best approach. The IaaS vendor owns and maintains the server, on which it installs software the law firm already owns. The firm gets security, redundancy, mobility, and familiar applications, without being in the data center or server maintenance business.

## DATA CENTER

Here's a good definition from [CIO](#):

"Known as the server farm or the computer room, the data center is where the majority of an enterprise servers and storage are located, operated and managed. There are four primary components to a data center:

White space: This typically refers to the usable raised floor environment measured in square feet (anywhere from a few hundred to a hundred thousand square feet). For data centers that don't use a raised floor environment, the term "white space" may still be used to show usable square footage.

Support infrastructure: This refers to the additional space and equipment required to support data center operations — including power transformers, your uninterruptible power source (UPS), generators, computer room air conditioners (CRACs), remote transmission units (RTUs), chillers, air distribution systems, etc. In a high-density, Tier

---

<sup>3</sup> Microsoft Exchange is Microsoft's server application for backing up and sharing email, contacts, calendars, tasks, and other information in Microsoft Outlook. It provides centralized data storage, sharing abilities, plus synchronization with various phones and other devices. Hosted Exchange is essentially renting this service by paying a monthly fee per user. Firms most commonly purchase it through a Microsoft 365 plan.

3 class data center (*i.e.*, a concurrently maintainable facility), this support infrastructure can consume 4-6 times more space than the white space and must be accounted for in data center planning.

IT equipment: This includes the racks, cabling, servers, storage, management systems and network gear required to deliver computing services to the organization.

Operations: The operations staff assures that the systems (both IT and infrastructure) are properly operated, maintained, upgraded and repaired when necessary. In most companies, there is a division of responsibility between the Technical Operations group in IT and the staff responsible for the facilities support systems.”<sup>4</sup>

In plain English, a data center is a secure physical facility that houses the computers of one or more enterprises. Depending upon a data center’s “Tier” rating, it may have redundant components, backup generators, and multiple uplinks (internet connections). There are 4 Tiers, and Tier 4 guarantees 99.995% uptime.

### IS GOING TO THE CLOUD ALL OR NOTHING?

Absolutely not. For example, I could use hosted Exchange through Microsoft 365 (with Outlook) while running Word, Excel, and PowerPoint locally. If you rent a cloud server, programs like Citrix DaaS<sup>5</sup> provide a delivery mechanism so that regular shrink-wrapped software you own can be delivered to you through the Internet. So, I could run my accounting software from a cloud server via Citrix DaaS, while every other program I use runs locally.

Start planning your firm’s cloud strategy by reading [Lawyerist’s guide to legal tech](#).

---

<sup>4</sup> Michael Bullock, “Data Center Definition and Solutions,” *CIO*, August 14, 2009, <https://www.cio.com/article/2425545/data-center-definition-and-solutions.html>.

<sup>5</sup> “DaaS” is a term Citrix uses. It stands for “desktop as a service.”

## WHY YOU NEED PRACTICE MANAGEMENT

Practice/case management programs handle your calendar, contacts, matters, time entries, documents, emails, phone messages, texts, etc. It organizes your life, “thinks” like a lawyer, and quickly proves itself essential.

### WHAT PRACTICE MANAGEMENT SOFTWARE HELPS YOU DO

#### MANAGE YOUR FILES

The essential element of a practice management system is file/case/matter management. It is the feature that all email/contact/calendar combos lack, whether it's Microsoft's Outlook, Google's Gmail and Calendar, or Apple's iCloud apps. Your law practice revolves around your files. Immediate access to your case information, such as who is involved, events, tasks, communication, time entries, etc., makes these programs an invaluable practice resource. This information is also available to everyone in your firm working on that matter. No matter how much you customize your email/contact/calendar suite, you will not create matter management. The general-purpose programs fail to understand the all-encompassing, umbrella nature of a matter and the many types of information it contains.

#### MANAGE YOUR CONTACTS

With so many ways to reach people today—phone, text, email, and even old-fashioned mail, you must maintain accurate and complete contact information for clients and related people on each matter. By training the staff to input contact information correctly, you will be able to fax, email, call, text, or communicate in writing with a contact with a minimal amount of effort. Contact information can also be used to perform preliminary conflict-checking when evaluating whether to accept representation in a prospective matter.

#### MANAGE YOUR CALENDAR

In the legal world, calendars control and yet change constantly. Have a way to manage your calendar individually and as it relates to others in your firm. You need to be able to see calendars with any variation of people and resources in a day, week, or month view, including whatever events you want to see. The calendar must be easily changeable, easy to read, and easy to find times when you and others in your firm are available. You also need the ability to schedule a resource (conference room, library, physical equipment, etc.) without speaking to the staffer responsible for the resource.

#### MANAGE YOUR TASKS

Your day is about prioritizing the endless list of things you must do for clients and the firm. Deadlines reign supreme. Your case management software should be able to manage a task from when it is put on the list until it is billed and ready to send to the accounting system. Often, your tasks are linked to other tasks. Perhaps you can't do something until a predecessor event or task concludes. Your case management software needs to be able to link events easily.

#### MANAGE YOUR TIME ENTRIES

It must be as easy as possible to record and bill your time. You need to be able to track and manage your time, by seeing how much time you have accumulated for the month, see how much time has been sent to your billing package, and see your time sorted by matter. Most of your billable time comes from appointments, tasks, phone calls, and emails. A good case management software should help you capture otherwise lost billable time.

#### MANAGE YOUR COMMUNICATIONS

Today, client communication arrives in several forms: mail, phone, email, text, and even program-specific instant message apps. Information relating to matters belongs with those matters. In past decades, lawyers stored letters or faxes in the paper case file. The methods have changed, but the rule remains the same—store case information



in the case file. Effectively managing multiple communication methods is the best way to improve client satisfaction. Case management software should allow you to record and bill your communications efficiently. Legal professionals lose billable time because they forget or fail to record communications. Mastering your communication management will pay for your case management software and implementation over and over again.

#### ASSEMBLE DOCUMENTS QUICKLY

Creating a document in a law firm is often a fiasco. It usually involves the preparer of the document either racking their brain thinking, “Who was the last person that had a similar document created like the one that needs to be prepared,” only to search for it, do a “save as” and then a “find and replace,” or reinventing a document that has already been created by someone else in the firm. Efficiently preparing your documents is a critical time-saving feature of practice management software. Organizing your most frequently used documents into a template structure and then creating those documents from within your case management program allows you to ensure consistency in firm-produced documents. Furthermore, since the document generation process extracts client information from your practice management software, you reduce the potential for client information errors in the final document.

#### MANAGE YOUR RESEARCH

Accessing your research provider quickly and compiling your firm research into a central location so others can access the information you have already discovered will save time and money on legal research. You will also eliminate the need for others to find the same information that someone else already found and cataloged. The various software programs approach research organization differently.

## STARTING A FIRM – CHECKLIST

### ❖ FORMATION CONSIDERATIONS

- CORPORATE FILING STATUS
- CORPORATION (E.G. SUB S, C)
- GENERAL PARTNERSHIP
- LIMITED PARTNERSHIP
  - LIMITED LIABILITY PARTNERSHIP (LLP)
  - LIMITED LIABILITY LIMITED PARTNERSHIP (LLLP)
  - LIMITED LIABILITY COMPANY (LLC)
- FEIN (FEDERAL), STATE, AND LOCAL ACCOUNT NUMBER(S)
  - ESTABLISH ONLINE ACCOUNTS FOR QUARTERLY TAX PAYMENTS
- PARTNERSHIP/OPERATING AGREEMENT
- SOURCE OF FUNDS TO FUND THE NEW ENTITY?
- SELECTING A CPA TO CONSULT ON TAX AND FINANCIAL IMPLICATIONS OF MERGER

### ❖ COMPENSATION CONSIDERATIONS

- PARTNER/OWNER COMPENSATION (E.G. SALARY, DRAWS, COMBINATION, ETC.)
- ASSOCIATE/STAFF COMPENSATION
- BONUSES
  - WILL THERE BE BONUSES? IF SO, BASED UPON WHAT CRITERIA?
    - Performance tied to billable hours, collections, etc.?
    - Consideration given for marketing activities, mentoring, community involvement?
- EMPLOYER/EMPLOYEE BENEFITS PLANS
  - SIMPLE IRA, 401(K), PROFIT SHARING, SEP, QNEC
  - INSURANCE - HEALTH, LIFE, DISABILITY INSURANCE, DENTAL, VISION
  - HSA, FSA ACCOUNTS
  - PTO AND SICK POLICIES

## ❖ ACCOUNTING AND BILLING CONSIDERATIONS (TBA)

### ➤ TBA AND PRACTICE MANAGEMENT SOFTWARE

- **CLOUD OR PREMISE BASED SOFTWARE?**
  - Schedule demos with sufficient time to review options and plan the implementation
  - Identify beforehand your billing procedures (see Billing and Accounting Procedures section) so you can determine if the program will handle your needs.
  - Review data that exists in existing locations (e.g. Outlook, documents, spreadsheets) to consider what could/should be migrated to the new product

### ➤ SETUP NEW BANK ACCOUNTS

- **OPERATING, MONEY MARKET/SAVINGS, PAYROLL, ETC.**
- **IOLTA ACCOUNT – CONFIRM THE BANK IS OPENING AN IOLTA ACCOUNT THAT COMPLIES WITH THE BAR ASSOCIATION’S GUIDELINES, NOT A REGULAR BANK ACCOUNT LABELED AS A TRUST ACCOUNT; IOLTA ACCOUNT REMIT THE INTEREST TO THE BAR ASSOCIATION’S IOLTA PROGRAM EVERY MONTH.**
- **CREDIT CARD USAGE – WILL YOU OBTAIN A CORPORATE CREDIT CARD OR USE YOUR PERSONAL CARD AND GET REIMBURSED?**
- **WILL YOU ACCEPT CREDIT CARD PAYMENTS FROM YOUR CLIENTS?**
  - Research credit card merchants and create accounts. The merchant must understand how law firm trust accounting works and no credit card processing fees should be charged against the trust account. LawPay is recommended by many state and local bar associations.

### ➤ WILL YOU OBTAIN A LINE OF CREDIT?

### ➤ CREATE A BUSINESS PLAN OR AT LEAST A BUDGET

- **CAPTURE THE KNOWN MONTHLY RECURRING EXPENSES (E.G. RENT, UTILITIES, ADVERTISING, SOFTWARE, SUPPLIES, ETC.)**

### ➤ ESTABLISH A GENERAL LEDGER CHART OF ACCOUNTS FOR ALLOCATION OF BANKING AND BILLING TRANSACTIONS

- **CONSULT WITH YOUR CPA**
- **OPTIONS MAY BE AVAILABLE FROM THE BAR ASSOCIATION OR THE ABA**

### ➤ PAYROLL

- **WILL YOU PROCESS MANUALLY (NOT ENCOURAGED) OR USE A PAYROLL SERVICE (ENCOURAGED)?**
- **WHO WILL FILE THE QUARTERLY PAYROLL TAX RETURNS AND MAKE THE QUARTERLY OR MONTHLY TAX PAYMENTS?**

### ➤ INSURANCE POLICIES

- **PROFESSIONAL LIABILITY (CONFIRM IF TAIL INSURANCE IS INCLUDED)**
- **PROPERTY (LIABILITY, WIND, FIRE, FLOOD, ETC.)**
- **AUTO**
- **KEY MAN**

- BUSINESS INTERRUPTION
- LOSS OF VALUABLE DOCUMENTS
- WORKERS' COMPENSATION
- TAIL INSURANCE COVERAGE

➤ DESIGNATE ANOTHER ATTORNEY TO CLOSE THE PRACTICE IN THE EVENT OF DEATH, DISABILITY, IMPAIRMENT OR INCAPACITY AND HAVE A WRITTEN AGREEMENT OUTLINING THEIR RESPONSIBILITIES.

- SHOULD THIS ATTORNEY ALSO ACT AS YOUR PERSONAL ATTORNEY?
- SIGNED CONSENT AUTHORIZING THE ATTORNEY TO CONTACT CLIENTS FOR INSTRUCTIONS TO TRANSFER FILES, AUTHORIZATION TO OBTAIN EXTENSIONS OF TIME, ETC.
- BANK AUTHORIZATION TO SIGN ON GENERAL OR TRUST ACCOUNTS, TAKING INTO CONSIDERATION THAT ATTORNEY'S ACCESS TO YOUR ACCOUNTS, ESPECIALLY THE TRUST ACCOUNT. DECIDE WHEN ACCESS IS GRANTED (E.G. ALL TIMES, SPECIFIC TIMES, OR THE HAPPENING OF A SPECIFIC EVENT).
- INFORM STAFF AND SPOUSE OF THE AGREEMENT AND THE ASSISTING ATTORNEY'S CONTACT INFORMATION.
- UPDATE ANY RETAINER AGREEMENTS TO IDENTIFY THE ASSISTING ATTORNEY.

➤ BILLING PROCEDURES

- CREATE AND USE A RETAINER/ENGAGEMENT AGREEMENT
- WILL YOU CHARGE AN INITIAL CONSULTATION FEE?
- ESTABLISH BILLING ARRANGEMENTS
  - Hourly, Fixed Fee, Contingent, Phased, etc.
  - If Fixed Fee or Contingent, will you still track your hours to measure the profitability on your cases? You can't measure it if you don't track it.
- HOW WILL ADVANCED COSTS BE ADDRESSED?
  - Asset or Expense (NOTE: Per the IRS Attorney Audit guidelines, costs advanced should be maintained as an asset and not expensed every year. Consult with your CPA).
  - Cash required to fund advanced costs?
- ARE YOUR NON-REFUNDABLE FEES DEPOSITED DIRECTLY INTO OPERATING OR TRUST?
- WILL YOU IMPLEMENT A RETAINER REPLENISHMENT/EVERGREEN RETAINER POLICY? IMPERATIVE FOR CONSISTENT CASH FLOW.
- COMMIT TO CONSISTENT BILLING. WIP IS YOUR INVENTORY AND YOU CAN'T GET PAID IF YOU DON'T BILL YOUR FEES.



## REPORTING

- **UNDERSTAND THE COMMON PRODUCTIVITY REPORTS**
  - Accounts Receivables
  - Billings
  - Collections
  - Billable/Non-Billable Time
  - Timekeeper Budgeting
- **FIRM FINANCIAL REPORTING USED FOR YOUR TAX RETURN**
  - Profit and Loss Statement (Income and Expense Statement)
  - Balance Sheet
  - Trial Balance

## MERGING LAW FIRMS – FORMATION CONSIDERATIONS

- ❖ EFFECTIVE DATE OF THE NEW MERGER
- ❖ CORPORATE FILING STATUS
  - CORPORATION (E.G. SUB S, C)
  - GENERAL PARTNERSHIP
  - LIMITED PARTNERSHIP
  - LIMITED LIABILITY PARTNERSHIP (LLP)
  - LIMITED LIABILITY LIMITED PARTNERSHIP (LLLP)
  - LIMITED LIABILITY COMPANY (LLC)
- ❖ PARTNERSHIP/OPERATING AGREEMENT
- ❖ SOURCE OF FUNDS TO FUND THE NEW ENTITY, OR NEW PARTNER CAPITAL CONTRIBUTION?
- ❖ FEIN (FEDERAL), STATE, AND LOCAL ACCOUNT NUMBER(S)
  - WILL THE NEW ENTITY GET NEW ACCOUNTS?
    - CREATE NEW ONLINE ACCOUNTS FOR PAYROLL TAX PAYMENTS
  - WILL ONE FIRM'S ACCOUNTS SURVIVE?
    - IF SO, THEN THE OTHER FIRM'S ACCOUNTS SHOULD BE CLOSED AFTER THE FINAL TAX RETURNS ARE PREPARED
- ❖ SELECTING A CPA TO CONSULT ON TAX AND FINANCIAL IMPLICATIONS OF MERGER
- ❖ SAME FISCAL YEARS FOR TAX REPORTING? IF NOT, HOW DOES THAT AFFECT THE MERGER EFFECTIVE DATE, TAX RETURNS, ETC.?

## MERGING LAW FIRMS – COMPENSATION CONSIDERATIONS

- ❖ PARTNER/OWNER COMPENSATION
  - WHAT IS THE EXISTING TYPE OF COMPENSATION FOR EACH FIRM (E.G. SALARY, DRAWS, COMBINATION, ETC.)
  - HOW WILL THAT CHANGE GOING FORWARD?
  - HOW WILL YOU ADDRESS THE COMPENSATION DISPARITY PRE-MERGER AND THEN GOING INTO THE NEW FIRM?

- ARE THE ADJUSTMENTS EQUITABLE BASED ON THE AMOUNT OF WORK AND NEW RESPONSIBILITIES?

#### ➤ BONUSES

- DID BOTH FIRMS GIVE BONUSES?
- WILL THERE BE BONUSES GOING FORWARD? IF SO, BASED UPON WHAT CRITERIA?
- Performance tied to billable hours, collections, etc.?
- Consideration given for marketing activities, mentoring, community involvement?

### ❖ ASSOCIATE AND STAFF COMPENSATION

- WHAT IS THE EXISTING TYPE OF COMPENSATION (E.G. SALARY, COMMISSION, BLENDED)?
- HOW WILL THAT CHANGE GOING FORWARD?
- HOW WILL THE DISPARITY PRE-MERGER AND GOING INTO THE NEW MERGE BE ADDRESSED?
  - ARE THE ADJUSTMENTS EQUITABLE FOR THE WORK PERFORMED AND NEW RESPONSIBILITIES?
- WILL THERE BE BONUSES? IF SO, BASED UPON WHAT CRITERIA?
  - CONSIDERATION GIVEN FOR MARKETING ACTIVITIES, COMMUNITY INVOLVEMENT?

### ❖ EMPLOYER/EMPLOYEE BENEFITS PLANS – DOES EACH FIRM USE THEM? HOW WILL THEY BE MERGED?

- SIMPLE IRA, 401(K), PROFIT SHARING, SEP, QNEC
- INSURANCE - HEALTH, LIFE, DISABILITY INSURANCE, DENTAL, VISION
- HSA, FSA ACCOUNTS
- PTO AND SICK POLICIES

## MERGING LAW FIRMS – ACCOUNTING AND BILLING CONSIDERATIONS (TBA)

### ❖ TBA SOFTWARE

- WHAT PRODUCT IS BEING USED BY EACH FIRM?
- WILL ONE PRODUCT SURVIVE AND BECOME THE MERGED FIRM'S SOFTWARE?
  - IF SO, WHAT DATA CAN BE EXPORTED OUT OF THE PRODUCT NOT BEING USED?
  - CAN THAT INFORMATION BE IMPORTED/MERGED INTO THE SURVIVING PRODUCT OR WILL THE INFORMATION BE ENTERED MANUALLY? IF MANUAL, WHO WILL ENTER THE DATA?
- WILL YOU RESEARCH NEW SOFTWARE PRODUCTS TO USE GOING FORWARD?
  - SCHEDULE DEMOS WITH SUFFICIENT TIME TO REVIEW OPTIONS AND PLAN THE IMPLEMENTATION
  - REVIEW DATA THAT EXISTS IN EXISTING PRODUCTS TO CONSIDER WHAT COULD/SHOULD BE MIGRATED TO THE NEW PRODUCT



## ❖ TRUST ACCOUNTING

- WILL YOU OPEN NEW ACCOUNTS FOR THE NEW ENTITY?
- IF AN EXISTING ACCOUNT WILL BE THE NEW ENTITY'S MAIN ACCOUNT, WILL YOU TRANSFER BALANCES FROM THE OTHER ACCOUNT OR KEEP THEM SEPARATE AND WIND DOWN THE OTHER ACCOUNT?
- ARE EXISTING ACCOUNTS FULLY RECONCILED AND OUTSTANDING ITEMS ADDRESSED?
- IF STALE DATED BALANCES OR UNCLAIMED FUNDS, IS THERE A PLAN TO CLOSE THE BALANCES AND REMIT THE FUNDS BASED UPON THE BAR ASSOCIATION'S UNCLAIMED FUNDS RULE?

## ❖ BILLING PROCEDURES

- WHAT REVISIONS ARE REQUIRED FOR THE RETAINER AGREEMENT?
- ARE THE BILLING PERIODS THE SAME OR DIFFERENT?
- HOW ARE THE FEE AGREEMENTS SIMILAR OR DIFFERENT? (E.G. HOURLY, FIXED, ETC.)
- HOW WILL ADVANCED COSTS BE ADDRESSED?
  - TRACKING BY EACH ATTORNEY?
  - CASH REQUIRED TO FUND ADVANCED COSTS?
- ARE NON-REFUNDABLE FEES DEPOSITED DIRECTLY INTO OPERATING OR TRUST?
- DID EITHER FIRM USE A RETAINER REPLENISHMENT/EVERGREEN RETAINER POLICY? SHOULD A POLICY BE IMPLEMENTED?

## ❖ REPORTING

- WHAT PRODUCTIVITY REPORTS ARE REVIEWED BY EACH FIRM?
  - ACCOUNTS RECEIVABLES
  - BILLINGS
  - COLLECTIONS
  - BILLABLE/NON-BILLABLE TIME
  - TIMEKEEPER BUDGETING
- WHAT FIRM FINANCIAL REPORTING IS REVIEWED BY EACH FIRM?
  - PROFIT AND LOSS STATEMENT
  - WHAT INCOME AND EXPENSE ITEMS ARE BEING TRACKED BY EACH FIRM?
  - WHAT GENERAL LEDGER ACCOUNTS WILL CHANGE OR GET ADDED?
  - IS EITHER FIRM MAINTAINING A BUDGET?

## ❖ CLIENT BALANCES

- WILL ACCOUNTS RECEIVABLE BALANCES GET TRANSFERRED TO THE NEW ENTITY OR WILL THEY BE PAID IN THE SEPARATE ENTITIES?
- WILL UNBILLED FEES AND COSTS GET MERGED INTO THE NEW FIRM OR BILLED OUT IN EACH FIRM SEPARATELY?

## ❖ FEDERAL AND STATE TAX RETURNS AND SUPPORTING DOCUMENTS

- ARE ALL RETURNS AND DOCUMENTATION ARCHIVED AND ACCESSIBLE POST-MERGER FOR ANY QUERIES?
  - FEDERAL TAX RETURNS
  - 941 (FED. W/H, FICA, MEDICARE)
  - STATE (SUTA) AND FEDERAL UNEMPLOYMENT (FUTA 940)
  - STATE INCOME TAX
  - LOCAL INCOME TAX

## ❖ BANK ACCOUNT INFORMATION

- NEW ACCOUNT FOR THE NEW ENTITY OR WILL EXISTING ACCOUNTS BE USED BUT WITH A NAME CHANGE?
- DOES EITHER ENTITY ACCEPT CREDIT CARDS?
  - IF SO, WILL YOU MERGE MERCHANT ACCOUNTS?

## ❖ INSURANCE POLICIES

- PROFESSIONAL LIABILITY (CONFIRM IF TAIL INSURANCE IS INCLUDED)
- PROPERTY (LIABILITY, WIND, FIRE, FLOOD, ETC.)
- AUTO
- KEY MAN
- BUSINESS INTERRUPTION
- LOSS OF VALUABLE DOCUMENTS
- WORKERS' COMPENSATION
- TAIL INSURANCE COVERAGE

## ❖ SCHEDULE OF ASSETS – WILL EACH FIRM'S EXISTING ASSETS BE OWNED BY THE NEW ENTITY?

- FURNITURE
- COMPUTERS AND EQUIPMENT
- BACKUP EQUIPMENT AND ACCESS
- AUTOMOBILES
- BUILDINGS
- SAFE OR LOCK BOX COMBINATION

## ❖ LINE OF CREDIT

- ARE THERE ANY CREDIT LINES? IF SO, WHAT STEPS NEED TO BE TAKEN TO KEEP THEM IN THE NEW ENTITY?
  - NEW FINANCIAL STATEMENTS?

- NEW PERSONAL GUARANTEES?

## NEW FIRM TECHNOLOGY – CHECKLIST

Use the following to help ensure you don't forget anything that might mess up your budget later.

### ❖ **HARDWARE**

- ☐ Computer
- ☐ Monitor(s)
- ☐ Network cables in the walls of your office
- ☐ Network patch cables (connect computer to wall jack or directly to router)
- ☐ Office phone system
- ☐ Printer or multifunction
- ☐ Toner for your printer
- ☐ Scanner (if you don't get a multifunction)
- ☐ Surge suppressors for all other devices that plug into the wall
- ☐ Switch/hardware firewall
- ☐ Uninterruptible power supply (UPS) for computer and switch/firewall
- ☐ USB printer cable

### ❖ **SOFTWARE**

- ☐ Accounting and billing software
- ☐ Adobe Acrobat or other PDF creation/manipulation software
- ☐ Case management software
- ☐ Microsoft Office (or equivalent)
- ☐ Search software
- ☐ Speech recognition software
- ☐ Training for all of the above

### ❖ **SECURITY**

- ☐ Antispam software or service
- ☐ Antispyware software
- ☐ Antivirus software
- ☐ Computer backup system
- ☐ Backup Software
- ☐ Software firewall

### ❖ **SERVICES**

- ☐ Cell phone
- ☐ Electronic version of your letterhead in Word or WordPerfect
- ☐ Hosted Microsoft Exchange
- ☐ Internet fax service (if you don't have a multifunction machine)
- ☐ Logo, letterhead & business card design
- ☐ Online backup service
- ☐ Remote Access (how will you gain access to programs, documents & data when you're not in the office)
- ☐ Reserve a domain name (i.e., [www.yourlawfirm.com](http://www.yourlawfirm.com))
- ☐ Web Meeting Service
- ☐ Website



## OTHER

- ☐ Cases of copy paper
- ☐ High speed internet (the speed and reliability of your office internet connection may be the most important criteria when considering new office space)
- ☐ Office supplies

## PRACTICE MANAGEMENT FEATURES – CHECKLIST

- ❖ IS THE FEATURE LISTED A “MUST HAVE” FOR YOUR FIRM?
- OUTLOOK EMAIL INTEGRATION
  - GMAIL EMAIL INTEGRATION
  - OUTLOOK CALENDAR SYNC
  - GOOGLE CALENDAR SYNC
  - OUTLOOK CONTACT SYNC
  - GOOGLE CONTACT SYNC
  - DOCUMENT ASSEMBLY
  - WORKFLOWS / CALENDAR PLANS FOR AUTO CREATION OF APPOINTMENTS AND TO-DOS
  - DOCUMENT MANAGEMENT
  - TIME ENTRY
  - MATTER CUSTOMIZATION BASED ON MATTER TYPE (TRACK DIFFERENT CASE DETAILS FOR DIFFERENT PRACTICE AREAS)
  - CONTACT CUSTOMIZATION BASED ON CONTACT TYPE (TRACK DIFFERENT CONTACT INFO BASED ON CONTACT CATEGORY)
  - MOBILITY
  - CLIENT PORTAL
  - DROPBOX INTEGRATION
  - VIEW MULTIPLE FIRM MEMBER CALENDARS
  - MESSAGING
  - REPORTING
  - CONFLICT CHECK
  - MOBILE TIME ENTRY
  - TIMERS
  - AUTO CLIENT / MATTER NUMBERING
  - SECURITY FOR INTERNAL WORK GROUPS (TO CONTROL ACCESS TO CERTAIN INFORMATION BY USER OR USER GROUP)
  - CLOUD BASED
  - TRADITIONAL ON PREMISE SOFTWARE
  - QUICKBOOKS INTEGRATION
  - HOTDOCS INTEGRATION