

HELPFUL INFORMATION FOR  
STARTING YOUR OWN LAW PRACTICE

Sponsored By: Young Lawyers Division  
Board of Governors of the Florida Bar

Materials Provided By: Law Office Management Assistance Service (LOMAS)  
and Scott E. Atwood, Esq.



## TABLE OF CONTENTS

- A. New Law Office Checklist
- B. Types of Business Entities
- C. Initial Client Consultation Interview Form
- D. Legal Malpractice Insurance
- E. Getting Your Own Space
- F. Time and Billing Software
- G. Establishing an Internet Presence
- H. Client Development/Advertising
- I. LOMAS Contacts and Information

Sections E, F, G, H and the written portion of section D were provided by Florida Bar member Scott E. Atwood, Esq. of Atwood Kent, PA in Atlanta, Georgia. The views expressed in his materials do not necessarily reflect the opinions of the Florida Bar or the Young Lawyers Division of The Florida Bar.

THE FLORIDA BAR'S LAW OFFICE MANAGEMENT ASSISTANCE SERVICE

NEW LAW PRACTICE // NEW OFFICE CHECKLIST

(visit us at [www.flabar.org/newflabar/memberservices/LOMAS](http://www.flabar.org/newflabar/memberservices/LOMAS))

OPENING DAY

CATEGORY	DESCRIPTION	Deadline Date	Date Completed	Person Responsible	One-time Start-up Cost	Estimated Monthly Recurring Cost	Estimated Annual Cost
Accountant	Refer to F.S. 620 & 621 and then discuss with accountant tax consequences, type of entity and accounting basis (cash or accrual), Obtain FEIN from IRS						
Accountant	Set up Chart of Accounts (recommend ABA Model Chart of Accounts for Law Firms which can be purchased from LOMAS)						
Accountant	Establish schedule for preparation of monthly statements and account reconciliation						
Accounting	Determine need for accounting software and develop policies for fees and client costs						
Accounting	Obtain forms: journals and ledgers, cash received receipt, time tickets, invoice head, thank you letter forms						
Accounting	Develop revenue, expense, cash flow and capital needs budgets (don't forget start-up expenses: deposits, down payments)						
Advertising	Determine advertising need, review TFB Ethics Opinions re: advertising/signage.						

CATEGORY	DESCRIPTION	Deadline Date	Date Completed	Person Responsible	One-time Start-up Cost	Estimated Monthly Recurring Cost	Estimated Annual Cost
Banking	Operating account, banking supplies (checks, deposit slips, deposit stamps), safe deposit box for firm valuables, will storage needs, determine account signers						
Banking	Determine need for IOTA account and/or safe deposit box for client property; review TFB Chapter 5 trust accounting rules and/or purchase LOMAS Training Videotape, 'Maintaining a Trustworthy Account.'						
Banking	Determine need for line of credit, firm credit card						
Bar Associations	Notify bar associations of physical and mailing addresses						
Calendar & Diary	Determine process for maintaining calendar and diary (to-do and tickler system). Dual manual system, automated? Backup procedures (copied or printed and when)						
Client Intake	Forms: new client/new matter intake form (see TFB LOMAS website), client interview/initial consultation form, representation agreements, fee agreements (flat fee or non-refundable agreement, cost and fee retainer agreements), narratives on how cases are handled, client's responsibilities, post-matter client evaluation forms						
Courts	Electronic and file-by-mail capabilities, memberships						
Dues & Licenses	Bar dues, city and county occupational licenses						

CATEGORY	DESCRIPTION	Deadline Date	Date Completed	Person Responsible	One-time Start-up Cost	Estimated Monthly Recurring Cost	Estimated Annual Cost
Equipment	Copier, postage machine, binding equipment, VCR, adding machine, cassette or CD player, clock, fan, dictation machines, etc. Determine which are purchased, which are rented, which are leased						
Files	Cabinets, chron file, accordion file, date stamp, reading files, filing supplies, binders (folders, file pockets, etc.), incoming and outgoing mail procedures, master file list (manual or automated?)						
Forms	List of needed forms for your practice and where these forms can be obtained. Purchase Administrative Forms Manual from LOMAS						
Furniture and Accessories	Art work, carpeting, chairs (executive, secretarial, visitors), conference room furniture, reception room furniture, desks (secretaries, lawyers), credenzas, window treatments, umbrella and coat rack. Determine where built-ins will suffice. Lease or Purchase?						
Insurance	Disability, Health, Professional liability, Office Pack (liability, business resumption, valuable papers, employee fidelity), Workers Compensation						
Library, Legal Research	Determine need for on-line databases, hard copy library materials and directories, periodicals subscriptions, bookshelves (floor strength?)						
LOMAS	Remember to call LOMAS's Practice Management Advisors and ask questions along the way!						

CATEGORY	DESCRIPTION	Deadline Date	Date Completed	Person Responsible	One-time Start-up Cost	Estimated Monthly Recurring Cost	Estimated Annual Cost
LOMAS/ CLE Pubs	Review available list of helpful start-up materials. Administrative and legal forms						
Mail & Messengers	Mailing supplies (labels, USPS supplies, etc.), express mail accounts, e.g., fed ex, airborne, etc.), E-mail account, private courier account						
Maintenance & Janitorial	Office cleaning, garbage removal, carpet cleaning services						
Marketing	Business cards, Stationary, Announcements, Holiday cards, thank you notes/form letters, practice specific paper (e.g., will paper)						
Marketing	Website, Client Newsletters, Firm Brochure						
Marketing	Develop a business plan (helpful when applying for a line of credit)						
Office Supplies	Develop office supply inventory (don't forget: business card holders, calendars, disposition stamps (file, draft, client copy, copy, duplicate original, confidential, etc), clipboards, copy paper, desk organizers, dictation tapes, file racks, diskettes, glue sticks, highlighters, pens, pencils, sharpeners, hole puncher, document covers, staplers, waste baskets)						
Organization	Partnership/shareholder agreement, buy-sell agreement,						
Parking	Determine need and potential cost for employee and client parking						

CATEGORY	DESCRIPTION	Deadline Date	Date Completed	Person Responsible	One-time Start-up Cost	Estimated Monthly Recurring Cost	Estimated Annual Cost
Personnel	Acquire appropriate personnel forms (e.g., confidentiality agreement, I-9 forms, W-4 forms, employment applications, interviewing guidelines, labor law manual, office style manual). Purchase LOMAS Sample Office Policy Manual.						
Postal Service	Determine need to acquire P.O. Box						
Postal Service	Change of address forms, USPS supplies						
Public Relations	Determine need for public relations consultant, who can talk to the press?						
Signage	Contact landlord for specifications, Determine need for interior and exterior signage, Contact sign company. Refer to TFB's ethics opinions						
Space	Space plan, location of space, how much space, option to expand, lease arrangements, landlord's build-out allowance (if any), alternative work site in case of disaster						
Technology	Determine computer hardware and software needs (# of PC's, printers; word processing, document assembly, document management, case/matter management, and accounting software); Data backup and security procedures. Internet access carrier. Determine lease or purchase of hardware and software						
Technology	Determine cabling requirements						



CATEGORY	DESCRIPTION	Deadline Date	Date Completed	Person Responsible	One-time Start-up Cost	Estimated Monthly Recurring Cost	Estimated Annual Cost
Telecommunications	Obtain phone number; Determine adequate number of phone lines; Determine type of system (vanilla phone sets, rotary sets/lines, key system, baby switch (PBS); Answering service, machine or voice mail; call and/or system forwarding; call waiting; conference calling; fax line; modem line; music on hold?, intercom capability; long distance carrier; white pages listing; yellow pages listing or Ad						
What Else?							

**NOTE:** This Checklist is meant to be a comprehensive lists of to-do items when establishing a new law practice. If an item does not apply to *your* new practice, merely strike through it.



This article discusses the primary local, state and federal legal issues that you should consider in connection with starting your own law practice. There are five types of business entities most commonly used to operate a law practice:

1. Sole Proprietorship
2. General Partnership
3. Limited Liability Partnership (LLP)
4. Professional Service Corporation known as a Professional Association (P.A.)
5. Professional Limited Liability Company (P.L.)

All of these business entities are permitted for the practice of law under Rule 4-8.6(a) of the Rules Regulating The Florida Bar.

#### 1. Sole Proprietorship

A sole proprietorship is a business that has not incorporated which is owned by one person. If you start a law practice with no partners and do not incorporate, then your law practice is considered a sole proprietorship. As a sole proprietor you are required to obtain an occupational license in the city and/or county where your law office is located. Generally, you must apply in person for the occupational license. In a sole proprietorship, there may be an unlimited number of employees, but there is only one owner. If there are any employees in addition to yourself, you must apply for a Federal Employer Identification Number issued by the Internal Revenue Service. This is like a social security number, but for a business. You apply for a Federal Employer Identification Number by filing Form SS-4 with the Internal Revenue Service. You can download Form SS-4 by going to <http://www.corpcreations.com/irs.html>. Technically, a sole proprietorship is not considered a separate legal entity, and there is no legal separation between you as the sole proprietor and your law practice business. In a sole proprietorship, you are financially responsible for all liabilities of your law practice, and all of your personal assets are subject to seizure or lien by creditors. This is one of the major drawbacks to operating your law practice as a sole proprietorship.

When you file your personal tax return every year on Form 1040, you will attach Schedule C to that return to report your profit or loss from operation of your sole proprietorship law practice. In addition to paying income tax on your earnings from your sole proprietorship law practice, you are required to pay a 15.3% self-employment tax on those earnings. (The self-employment tax is called social security/medicare tax in the context of a professional association.) The 15.3% self-employment tax is comprised of a 12.4% social security tax and a 2.9% medicare tax. Self-employment income higher than \$87,000 in the year 2003 is exempt from the 12.4% social security portion of the tax. The 2.9% medicare portion of the tax, however, is applied to all self-employment income, without an upper

limit.

Note that by operating your law practice as a sole proprietorship, you forfeit certain tax advantages that are available for professional associations. For example, with a sole proprietorship you cannot lower payments for social security tax and medicare tax (as you can with an S corporation). The tax advantages available for professional associations are discussed in greater detail below.

## 2. General Partnership

A general partnership is a business that has not incorporated which is owned by two or more persons. The owners of a general partnership are called general partners. If you start a law practice with any partners and do not incorporate, then your law practice is considered a general partnership. A general partnership is subject to the occupational license issue discussed above in the sole proprietorship section. General partnerships are governed by Part II of Chapter 620, Florida Statutes.

In a general partnership, each partner is jointly and severally responsible for all liabilities of the law practice business, and all personal assets of each partner are subject to seizure or lien by creditors. This is one of the major drawbacks to operating your law practice as a general partnership. Why would you ever want to put yourself in a position where your financial upside is limited to your percentage interest in the general partnership, but your financial risk is unlimited and affected by liabilities that arise in the ordinary course of business and from the possible malpractice of one of your partners? You should never be a partner in your individual name in any general partnership. The risks are too great.

A general partnership must apply for a Federal Employer Identification Number and file a federal tax return every year on Form 1065. A general partnership is considered a pass-through entity under state and federal tax law. A general partnership does not pay tax. The annual profit of a general partnership is reported to each partner on Schedule K-1, and the partners pay income tax on their respective distributive share of the profits reported on that schedule.

## 3. Limited Liability Partnership

A general partnership has the option of becoming a registered limited liability partnership if it files with the state a Partnership Registration Statement under Part II of Chapter 620, Florida Statutes, and a separate form called a Statement of Qualification in accordance with Section 620.9001, Florida Statutes. A limited partnership -- which is formed by filing with the state a Certificate of Limited Partnership under Part I of Chapter 620, Florida Statutes, and usually is designated in Florida by the name ending "Ltd." -- also has the option of becoming a registered limited liability limited partnership if it files the Statement of Qualification. The most common name ending for a general

partnership or limited partnership that files the Statement of Qualification is "LLP."

In a limited partnership, there must be at least one limited partner and at least one general partner. Each limited partner has protection against personal liability for the liabilities of the limited partnership. If the Statement of Qualification is not filed, each general partner has unlimited personal liability for the liabilities of the limited partnership. A limited partnership that files the Statement of Qualification must use the LLP name ending. For example, a limited partnership named "Smith Ltd." that files the Statement of Qualification will be renamed "Smith Ltd. LLP." The filing of that statement protects each general partner against personal liability for the liabilities of the limited partnership, while the LLP status is active.

Florida law was changed substantially in 1999 to make LLPs more attractive for the practice of law. A general partnership with LLP status may be used to operate a law practice in Florida, but neither a limited partnership nor a registered limited liability limited partnership are specifically permitted under Rule 4-8.6(a) of the Rules Regulating The Florida Bar for the operation of a law practice. Under Section 620.8306, Florida Statutes, a general partner is not personally liable for any obligation of the partnership, whether arising in contract, tort or otherwise, while it is an LLP. The protection against personal liability provided by an LLP is equivalent to that provided by a P.A. or a P.L., with one important exception. The state will administratively revoke the Statement of Qualification (and the LLP status) if the LLP annual report is not filed on time. The annual report is due May 1 of each year following the calendar year after the Statement of Qualification is filed. If the LLP status is revoked for failure to file the annual report and reinstatement is not applied for within two years after the revocation date, each general partner is jointly and severally responsible for all liabilities of the law practice business that arise after the revocation. If you decide to operate your law practice as an LLP, it is crucial that the responsibility for filing the annual report be given to an employee or partner with initiative who is very skilled at handling administrative details in a timely manner. Otherwise, you run the risk that the LLP status and protection of the general partners will be forfeited for failure to file the annual report.

#### 4. Professional Association

A professional association is a professional service corporation that is formed by filing with the state standard articles of incorporation that specify the type of profession that will be practiced. The most common name ending for a professional association is "P.A." (Note that "Inc." or "Corp." or "Co." are the most common name endings for a corporation that does not provide professional services, as that term is defined in Chapter 621, Florida Statutes.) The owners of a professional association are called shareholders and, to avoid a possible "piercing of the corporate veil" argument, should not refer to themselves or each other as partners. A professional association is subject to the occupational license issue discussed above in the sole proprietorship section, and must apply for a Federal Employer Identification Number. A professional association owned by one person, who is the sole shareholder, director and officer, provides the same benefits as a professional association that has many shareholders, directors and officers. Professional associations are governed by Chapters 607 and 621,

Florida Statutes.

As a shareholder in a professional association, you do not have personal liability for liabilities that arise in the ordinary course of business or from the malpractice of other attorneys at your law firm. This is one of the major benefits of operating your law practice as a professional association. Note that you remain responsible for any liabilities due to your own legal malpractice and that of associate attorneys who you supervise directly, so it is a good idea for your firm to obtain legal malpractice insurance. (A list of legal malpractice insurance carriers is available at the LOMAS pages at <http://www.flabar.org/>.) Since each shareholder is protected against personal liability for obligations of the law practice business, operating your law practice through a professional association helps give you peace of mind, in contrast to a sole proprietorship or general partnership. If your professional association is administratively dissolved for failure to file the annual report, it may be reinstated at any time by paying the applicable reinstatement fee and filing the applicable form. The reinstatement is retroactive to the date of administrative dissolution, and the professional association continues as if the administrative dissolution had never occurred. With a professional association, failure to file the annual report results in paying a higher filing fee. Contrast that to an LLP, where failure to file the annual report can result in loss of LLP status and personal liability of each partner for the liabilities of the partnership. For this reason, it is safer to operate your law practice as a professional association instead of as an LLP.

Other benefits of forming a professional association can include greater tax deductions for health insurance and medical expenses (with a C corporation) and lower payments for social security tax and medicare tax (with an S corporation). A professional association is taxed either as a C corporation or an S corporation. The terms C corporation and S corporation refer to the way in which the professional association is taxed. Your professional association will be taxed as a C corporation unless Form 2553 is filed with the Internal Revenue Service. To elect tax treatment as an S corporation, Form 2553 must be filed within 75 days after your professional association has shareholders, has assets, or starts doing business, whichever occurs first. You can download Form 2553 by going to <http://www.CorporateCreations.com/irs.html>.

A professional association that is a C corporation files a federal tax return every year on Form 1120. There is a corporate level income tax on the profits of a C corporation. In addition, if a dividend is paid to shareholders from retained earnings, the dividend is included on the personal tax return of each shareholder. Thus, the profits of a C corporation are subject to potential double taxation. For this reason, you should not operate your professional association as a C corporation unless your professional association will show little or no annual profit. This can be accomplished by increasing the compensation paid by the professional association to its shareholder-employees, since such compensation is a business expense and reduces the annual profit.

A professional association that is an S corporation files a federal tax return every year on Form 1120S. An S corporation is a pass-through entity under Florida and federal tax law. For an S corporation, there is no Florida corporate income tax. Instead, a pro rata portion of the annual profit

or loss of the S corporation is reported to each shareholder on Schedule K-1 and included on the personal tax return of each shareholder. Many law practices in Florida are operated as professional associations that are S corporations.

With an S corporation, the distribution of S corporation profits is exempt from the 15.3% social security/medicare tax that is imposed on compensation income, and you can implement a tax savings strategy commonly called "wage reduction." With the wage reduction strategy, the shareholder of an S corporation saves \$1530 for every \$10,000 profit distribution ( $\$10,000 \times 15.3\% = \$1530$ ) because the entire profit distribution is exempt from the social security/medicare tax. For example, assume that you are the sole shareholder and employee of a professional association that has annual revenue of \$87,000 and no expenses, except the payment of your compensation. Assume also that your compensation is paid once per year on December 31. On that day, assume you receive two checks from your professional association. Assume the first check is in the amount of \$77,000 and is paid to you as compensation for your work during the year. That first check is subject to the social security/medicare tax. Assume the second check is in the amount of \$10,000 and is paid to you as a profit distribution. That second check is exempt from the social security/medicare tax, and you save \$1530. If you implement the wage reduction strategy, remember that you must be paid a reasonable wage. Because of the tax savings, virtually all attorneys benefit by operating their law practice as a professional association that is an S corporation rather than as a sole proprietorship.

## 5. Professional Limited Liability Company

A professional limited liability company is formed by filing with the state standard articles of organization that specify the type of profession that will be practiced. The most common name ending for a professional limited liability company is "P.L." (Note that "LLC" is the most common name ending for a limited liability company that does not provide professional services.) The owners of a professional limited liability company are called members. A professional limited liability company is subject to the occupational license issue discussed above in the sole proprietorship section. Professional limited liability companies are governed by Chapters 608 and 621, Florida Statutes.

Just as with a professional association, as a member in a professional limited liability company, you do not have personal liability for liabilities that arise in the ordinary course of business or from the malpractice of other attorneys at your law firm. This is one of the major benefits of operating your law practice as a professional limited liability company. As is the case in a professional association, you remain responsible for any liabilities due to your own legal malpractice and that of associate attorneys who you supervise directly, so it is a good idea for your firm to obtain legal malpractice insurance. Since each member is protected against personal liability for obligations of the law practice business, operating your law practice through a professional limited liability company helps give you peace of mind. The protection against personal liability provided by a professional limited liability company is equivalent to that provided by a professional association.

Also like a professional association, if your professional limited liability company is administratively

dissolved for failure to file the annual report, it may be reinstated at any time by paying the applicable reinstatement fee and filing the applicable form. The reinstatement is retroactive to the date of administrative dissolution, and the professional limited liability company continues as if the administrative dissolution had never occurred. With a professional limited liability company, failure to file the annual report results in paying a higher filing fee. Contrast that to an LLP, where failure to file the annual report may have more adverse consequences since it can result in loss of LLP status and personal liability of each partner for the liabilities of the partnership. For this reason, it is safer to operate your law practice as a professional limited liability company instead of as an LLP.

A professional limited liability company is considered a pass-through entity under state and federal tax law. For tax purposes, a professional limited liability company is treated like a partnership and does not pay tax. A professional limited liability company applies for a Federal Employer Identification Number by filing Form SS-4, and files a federal tax return every year on Form 1065. The annual profit of a professional limited liability company is reported to each member on Schedule K-1, and the members pay income tax on their respective distributive share of the profits reported on that schedule. Note that a single member professional limited liability company is a "disregarded entity" for federal tax purposes, and the profit or loss from operation of such a P.L. is reported on Schedule C, which is attached to the member's Form 1040 personal tax return every year.

If the owners of your law practice desire to pursue different tax planning strategies, you can accomplish that goal by forming a professional limited liability company to operate your law practice, which can be owned by entities that are owned by the individual attorneys. For example, in a two member P.L., one member may be a C corporation and the other member may be an S corporation. Those member entities are owned by the individual attorneys. This structure enables each attorney to pursue a different tax planning strategy: the attorney who owns the C corporation can deduct 100% of medical expenses and health insurance, and the attorney who owns the S corporation can pursue the wage reduction tax strategy discussed above in the professional association section. Both attorneys can achieve their own tax planning goals. You should be aware that some states, such as California, prohibit the use of a professional limited liability company for the practice of law, but permit the use of an LLP for the practice of law. If you operate an interstate law practice with some attorneys practicing law in Florida and other attorneys practicing law in California, you can operate that practice as an LLP (instead of a professional limited liability company) to enable the partners to pursue their own individual tax planning strategies and to provide the partners with greater protection against personal liability.

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LOMAS *Sample Form - Modify to meet your own situation!*

## Initial Client Consultation Interview Form

The purpose of an initial consultation is for the attorney to advise you, the *prospective* client what, if anything, may be done for you, and what the minimum fee therefor will be. *The purpose is not to render a definitive legal opinion* as it may be impossible to fully assess a matter within the time frame allotted for a consultation or with the (information or documents) that you may be able to provide at the initial consultation.

One of three outcomes is possible following your consultation.

**A. You and the Attorney mutually agree to the terms of representation, or**

(After a separate document called an Agreement for Representation is signed a copy will be provided to you.)

**B. The Attorney declines representation, or**

**C. You decide not to use the services of the Attorney.**

**Note: The following questions will help us to understand the reason for your visit today. Your responses are protected by attorney/client privilege and will be held in strict confidence.**

Name \_\_\_\_\_  
Last First Middle or Maiden

Address \_\_\_\_\_  
Number Street City State Zip

Home Phone (\_\_\_\_) \_\_\_\_\_

Briefly explain what you may need advice about or assistance with today:

\_\_\_\_\_  
\_\_\_\_\_

.....continue on back of page

Are there other parties involved? (Examples: a friend, an employer, a neighbor, signor of a contract, etc. This should include people or parties on either side of your issue)

Party \_\_\_\_\_ Relationship \_\_\_\_\_

Party \_\_\_\_\_ Relationship \_\_\_\_\_

Party \_\_\_\_\_ Relationship \_\_\_\_\_

On the lines below, list the documents (papers) that you think may help us to understand the issues.

(1) \_\_\_\_\_

(2) \_\_\_\_\_

(3) \_\_\_\_\_

*(NOTE: Any documents you supply that are important to your matter will be photocopied, with your permission, and your originals returned to you at the conclusion of the initial interview.)*

Ideally, if things turn out precisely the way you want, what would the outcome be?

\_\_\_\_\_  
\_\_\_\_\_

Knowing that there are no guarantees, what can you accept?

\_\_\_\_\_  
\_\_\_\_\_

Please classify your urgency in concluding this matter? (Check One)

- Critical – Personal safety or continuation of business depends on it.
- Very important – severe hardship, personal or financial inconvenience if matter is not resolved quickly.
- Important – Matter interferes with business or personal financial stability.
- Needs to be done, but no immediate hardship in the interim.
- Just thought I'd see if it was worth pursuing, but I'm not counting on anything
- Just wanted to know what my rights are? I'll then let you know after I think about it.

If the matter involves payment to you of money you feel you are owed, how long can you wait before not getting paid? \_\_\_\_\_

(Days, Weeks, Months, Years)

Are we the first attorneys you have consulted regarding this matter?  Yes  NO  
If No - Why didn't you hire their services? \_\_\_\_\_

Have you ever been represented by an attorney before?  Yes  NO  
If Yes - Please state the circumstances \_\_\_\_\_

How will you pay for your attorney's fees in this matter?  
 Check today  Cash today  Contingency Fee  On Account  
 Credit Card Credit Card No. \_\_\_\_\_ Expr. Date \_\_\_\_\_

Marital Status:  Married  Single  Divorced  Widowed  Separated

Driver's License # \_\_\_\_\_ Social Security # \_\_\_\_\_

Are you known by any other names?  Yes  No

If yes name(s) \_\_\_\_\_  
(A fictitious name, a nickname, a former name, your maiden name etc.)

Where are you employed? \_\_\_\_\_

May we contact you there?  Yes  No Phone No. (\_\_\_\_) \_\_\_\_\_

If your mail is returned as undeliverable or your telephone service terminated, please provide the name of someone (friend or relative) you believe will always know how to contact you.

Name \_\_\_\_\_ Relationship \_\_\_\_\_

Address \_\_\_\_\_ Phone No. (\_\_\_\_) \_\_\_\_\_

State & Zip \_\_\_\_\_

How did you learn of our office?  A friend  Yellow Pages  Bar Referral  
 Our Web Page <http://www.yourfirm'spage.com>  Former client  Other

**PLEASE READ CAREFULLY & Sign Below**

Following your initial interview, if you agree to hire the Attorney, and the Attorney agrees to represent you, you will both sign an Agreement for Representation. The Agreement for Representation will set forth the terms and conditions of representation.

If the Attorney is willing to represent you and you decide not to sign an Agreement of Representation today, you are strongly urged to schedule a second appointment with the Attorney at the earliest possible time or to immediately consult with other legal counsel to protect your rights.

**NOTICE:** This office does not represent you with regard to the matters set forth by you herein in this information sheet or discussed during your consultation, **unless and until, both you and the Attorney execute a written Agreement for Representation.**

If the Attorney does not agree to represent you, this includes not representing you with regard to the matter set forth by you on this information sheet, nor any other matters you may discuss with the Attorney during your consultation. If your legal problem(s) involve a potential lawsuit, it is important that you realize a lawsuit must be filed within a certain period of time called a Statute of Limitations. Therefore, the Attorney strongly urges you to *immediately* consult with another attorney to protect your rights. The Attorney's decision not to represent you should not be taken by you as an expression regarding the merits of your case.

Your signature acknowledges **only** that you received a copy of this completed information sheet and does not mean you have hired the Attorney.

SIGNATURE \_\_\_\_\_ Date \_\_\_\_/\_\_\_\_/\_\_\_\_

\*\*\*\*\*

This portion to be completed by the Attorney

[ ] Will represent (see New Case Memo and Agreement for Representation attached)

- Will investigate and report (Schedule a follow-up conference for \_\_\_\_ days)
- Representation declined - Letter of declination will be sent.
- Party will "think about it" and get back with us - No action to be taken and party was so informed.
- Client declined Representation at this time.

Interviewed by \_\_\_\_\_ this \_\_\_\_ day of \_\_\_\_\_

Notes: \_\_\_\_\_  
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## LIABILITY INSURANCE

This needs to be clear: you need this. The Bar doesn't mandate that you have it, and way too many attorneys try their luck with it, but it's just not a good idea. Once claim could cripple your practice and your personal finances. And you should know that the vast majority of malpractice claims are made by individuals against firms of five or less attorneys. Whatever the reason for this (unrealistic expectations from clients inexperienced with the legal system, inexperience of counsel), that's the fact. You need malpractice insurance.

Depending on your area of practice, malpractice insurance may not be as expensive as you might think. Most people can get insurance in the \$1,500 to \$3,000 range for an annual premium. Some practice areas, like securities, intellectual property, real estate and personal injury may be higher, but usually not dramatically. And the insurers often let you pay on a month-by-month or quarterly basis.

Coverage comes in all shapes and sizes. What you'll generally find, though, is that raising your deductible will not save you a great deal of money. You want prior acts coverage (although as a new attorney that's not such a big deal), which means the insurance will cover you for claims made on acts that occurred before the policy was entered into by you and the insurer. You also probably want a decent amount of coverage, such as \$500,000 to \$1,000,000 per occurrence, and twice that in aggregate.

There are a variety of companies that provide liability insurance. Depending on your practice area, you may find that only a limited number of companies write policies. The best way to find out who's writing policies is to call the Bar's Law Office Management department (LOMAS), or look at their webpage on the flabar.org website to get a list of insurers in the state. Then call a few practitioners to ask who they use. The practitioners may also direct you to a broker who will be able to get you quotes from a few different insurers.

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## **The Florida Bar**

### ➔ LOMAS

#### ➔ Florida Legal Malpractice Insurance Carriers

( These are companies known to The Florida Bar. There may be others of which we are unaware.)

#### **Admiral Insurance Company/Carolina Casualty**

Randy Mrorowicz  
Monitor Liability Managers  
2850 W. Golf Road, Ste. 800  
Rolling Meadows, IL 60008  
PH: 847/806-6590 (ext. 531)

#### **American International Group Companies (AIG)**

AIG - LPL Unit  
175 Water Street, 7th Floor  
New York, NY 10038  
PH: 888/269-6073

#### **Attorneys First Insurance**

Sam Cohen  
2623 McCormick Dr.  
Suite 105  
Clearwater, FL 33759  
PH: 727/799-4321  
E-Mail attorneysfirst@aol.com

#### **Attorneys Liability Assurance Society Inc. (ALAS)**

**A Risk Retention Group**  
Nancy Montroy  
311 S. Wacker Drive, Suite 5700  
Chicago, IL 60606  
PH: 312/697-6972

#### **Carolina Casualty/Admiral Insurance Company**

Randy Mrorowicz  
Monitor Liability Managers  
2850 W. Golf Road, Ste. 800  
Rolling Meadows, IL 60008  
PH: 847/806-6590 (ext. 531)

#### **Clarendon National Insurance Company**

Robert Hansen, Mark Rooker, Martha Graham, or Cyndi Nolfe  
Target Speciality Programs - Suite 205  
2759 Delk Road  
Marietta, GA 30067  
PH: 770/952-2022

#### **CNA - Small Firm Contact (1-19 attorneys)**

Sherri Watson, Gilsbar, Inc.  
5401 S. Kirkman Road, Suite 310  
Orlando, FL 32819  
PH: 888/445-7655



**CNA - Large Firm Contact (20+ attorneys)**

Chris DePuy  
180 Maiden Lane  
New York, NY 10038  
PH: 212/440-3266

**DPIC Companies, Inc.**

Molly Erickson  
P.O. Box DPIC  
Monterey, CA 93942  
PH: 800/227-4284 (ext. 223)

Elizabeth Taylor

Two World Trade Center  
New York, NY 10048  
PH: 800/455-3492 (ext. 7)

**Evanston Insurance Company**

Jeff Rubin  
Shand Morahan  
1009 Church Lane  
Evanston, IL 60201  
PH: 847/866-0889

**Executive Risk, Inc.**

Christie Kennedy  
82 Hopmeadow Street  
Simsbury, CT 06070-7683  
PH: 860/408-2000

**First State Management (Hartford of IL; Nutmeg Ins. Co., Trumbull Ins. Co., Twin City Fire Ins. Co.)**

Jack Kukowski  
Affinity (AON) Ins. Svcs.  
99 High Street  
Boston, MA 02110  
PH: 617/457-7763

**Florida Lawyers Mutual Insurance Company**

(Created by The Florida Bar)  
Mary F. Jones, CPCU  
3504 Lake Lynda Drive, Suite 325  
Orlando, Florida 32817  
PH: 407/382-1400

**Great American Insurance Company**

Carter L. Hampton  
1755 N. Collin Blvd., LB #506  
Richardson, TX 75080  
PH: 972/437-7100

**Interstate Insurance Group (Chicago Insurance Company)**

Renate Zachman  
Interstate Insurance Group  
55 E. Monroe Street, Ste. 3300  
Chicago, IL 60603  
PH: 312/456-7441

**K&A, Inc.**

Professional Liability Insurance  
Brian Kouwenhoven  
919 West State Road 436, Suite 230  
Altamonte Springs, FL 32714  
PH: 800/836-5556

**Lloyd's of London - Attorney Select**  
Robert Hamilton  
Professional Practice Insurance Brokers, Inc.  
10 California Street  
Redwood City, CA 94063-1513  
PH: 650/369-5900

**National Casualty/Scottsdale Insurance Company**  
Bonnie L. Yakley  
Scottsdale Insurance Co.  
8877 N. Gainey Center Dr.  
Scottsdale, AZ 85258  
PH: 602/948-0505 ext. 3456

**Raincross Insurance, Inc.**  
Post Office Box 40686  
St. Petersburg, FL 33743  
Telephone: 727-384-6205  
Fax: 727-490-1061  
Toll Free Telephone: 800-882-4402

**Reliance National Insurance Company**  
(firms of 24 or fewer attorneys)  
Soraida Rios  
Reliance National Insurance  
77 Water Street  
New York, NY 10005  
PH: 212/858-3896

**Reliance National Insurance Company**  
(firms of 25 or more attorneys)  
Robyn Golden  
Reliance National Insurance  
77 Water Street  
New York, NY 10005  
PH: 212/858-3661

**Sandy Wasson & Associates Insurance, Inc.**  
Sandy Wasson  
11309 Starkey Road  
Largo, FL 33773-0437  
PH: 727/392-4400

**St. Paul Travelers**  
St. Paul Travelers Insurance Company  
385 Washington Street  
St. Paul, MN 55102-1396  
PH: 651/310-7600

**St. Paul Travelers - Defense Research Institute**  
Willis Corroon of Massachusetts  
Three Copley Place  
Boston, MA 02116

PH: 617/351-7531  
PH: 800/343-2896

**TIG Insurance Company**  
Debra R. Rads  
227 W. Monroe, Ste. 2200  
Chicago, IL 60606  
PH: 312/608-2258

**United National Insurance Company (Concord)**  
Ira J. Dawer  
135 Kinnelon Road, Ste. 102  
Kinnelon, NJ 07405  
PH: 973/492-6500

**Westport Insurance Corporation (Coregis)**  
Linda Ahrens  
181 W. Madison  
Chicago, IL 60606  
PH: 312/849-5311

**Zurich American Insurance Group**  
Elizabeth Hathaway  
Zurich American Brokerage  
1 Liberty Plaza  
New York, NY 10006  
PH: 800/284-3638  
PH: 212/676-4121

(updated 12/04)

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## GETTING YOUR OWN SPACE

The internet has revolutionized the way you can practice law. Many practice areas are not client-contact intensive, such that most of your work can be done anywhere. This opens up many possibilities.

Here are a few of the standard options, in escalating order of formality.

1. Home office. Obviously, the cheapest method by which you can start out your law practice. No rent, and you can then write off a portion of your home (if you own your own home) as a home office. Downside is meeting with clients. For this, you may use an executive suite, another attorney's office who will rent you space on an as-needed basis, or meet at a public place like the courthouse or a decent restaurant. You want to think about getting a couple of extra phone lines: one for your business phone and one for fax. As to the fax, though, there is a new service out there that many email hosts and some other some others offer that gives you a fax number and turns that into an email to you. If you want a mail address that isn't your home address, consider using a company such as UPS Store, which allows you to have an actual street address, or you can use a PO Box.
2. Executive Suite. These have become popular with new attorneys starting on their own. Often these come furnished, with escalating fees depending on the services you desire. There are a number such executive suite companies out there, such as Regus, and there are local real estate brokers who can help you out with this. Also, a good source is other solos or small firm people. Find out where they are

or were, and check out those places. The leases can go from month-to-month to long-term. Generally you can get into one of these places, with an office, reception and mail services, and limited conference room access for under \$1000/month (depending on where you practice).

3. Office sharing. Also popular with new attorneys. Basically, you take the open office in some other attorney's firm. Often, the office comes furnished (make sure you find out if that's the case) with limited support staff. You want to look for offices that have a direct line for you, so that your clients don't have to go through the other firm's receptionist. In these situations, make sure you know exactly what the deal offers. Many times, it's pretty barebones, so make sure you don't have to provide your own phone system, your own copier (although you'll likely have to pay for copies), etc., or at least know that you need to negotiate that into the price you pay. The nice advantage this arrangement has over executive suites generally is that you are guaranteed to be surrounded by other attorneys. You'll likely talk, and there may be a possibility of referrals, or at least introductions to other attorneys who may be a source of referrals. Don't bet on this, but it's more likely than at an executive suite (unless the executive suite specializes in housing attorneys, which some do). Usually, you can get such space for between \$750 and \$2000 in major markets, if you're looking for A or B quality real estate.
4. Renting your own space. Usually the most expensive option. The advantage is that it's your own office and you can use it as you wish. The basic down side is the startup costs, the fact that usually it's more space than you need at that time,

and the requirement that you sign a lease (usually at least 3 years). If you can get a short-term lease, or if you can find other people to rent some space in your new office, this option becomes much more attractive. Rent is usually at least \$15/square foot in major markets, and you'll be hard-pressed to find a location with less than 1200 square feet if you want a reception area and a bit of storage. Your startup costs will include furniture, phone system, and books. Expect to spend at least \$3000 to \$5000 in these costs, and likely more.

## TIME AND BILLING SOFTWARE

You will want to bill your time and be able to account for your expenses. To that end, you will want to buy a timekeeping and accounting program. You may also want to consider a case management program. Many of the billing and accounting programs come with case management software, which means that you can use the software to put all the information about your case into a single folder (documents, emails, contacts, etc.).

Most of these programs are in the \$200-\$1000 range. Many of the programs can be combined with one another for under \$500. Check with the LOMAS at the Bar to see if any of these companies are offering discounts through the Bar. You should review the company's website for in-depth information, and most of them have demo programs that you can run so that you can get an idea of how the program operates.

Here is a basic list of the different programs available:

### **1. MS Word**

Not a timekeeping program, but you can write out bills on this if money is a real issue.

Not a recommended method, however.

### **2. Outlook (part of MS Office)**

Not really case management program, but can be used for contacts, calendaring and some task tracking. Good basic program if you don't want to invest in case management software.

### **3. Timeslips**

Timeslips.com

One of the most popular billing programs. No case or accounting management abilities.

Often used with Quickbooks. About \$300.

### **4. QuickBooks**

A Quicken product. Not designed specifically for legal profession, but a popular option for small law firms. About \$200-300.

### **5. PCLaw**

pclaw.com

Combined billing and accounting program. Has basic case management abilities as well, but primarily accounting and billing program. Most affordable one-stop-shopping option for billing and accounting at \$250.

### **6. Abacus**

Abacuslaw.com

Good case management program. Can add on billing and accounting modules. About \$600.

### **7. Powerlaw**

Powerlaw.com

Complete package of billing, accounting and case management.



## **8. Amicus**

Amicusattorney.com

Good case management program. Can add on billing and accounting modules. About \$400 for basic program.

## **9. Time Matters/Billing Matters**

Timematters.com

This company has billing, accounting and case management programs, with escalating prices depending on what you need. Prices from \$350 to upwards of \$1,000 for all.

## **10. TABS/STI General ledger**

Stilegal.com

Company offers packages of billing, accounting and case management programs. Prices from about \$300 to about \$1,000 for all.

This is not an exhaustive list, and products are being introduced and updated regularly. Make sure you find out how long a person has had a program when obtaining information about the program's usefulness. There has been substantial improvement in these programs over the past couple of years, so make sure you have an up-to-date view of the products.

# ESTABLISHING AN INTERNET PRESENCE

## GETTING AN EMAIL ADDRESS

There are two primary methods to get your firm an email address.

1. Use an internet provider like AOL, Earthlink, Bellsouth, etc. This is the easiest method. This is the same way most private individuals get an email address. If you already have a private account, you most likely can add on additional mailboxes to that account. For example, if your current email address is jsmith@bellouth.net, you can add on a mailbox (sometimes referred to by the provider as an "alias") for smithlawfirm@bellsouth.net. Of course, just like with other email addresses, you have to make sure that name is available, but you generally can find something that will suit your needs.

The downside of this method is that you generally are stuck with the "Bellsouth" or "aol" tagline at the end of the email address. If that's important to you, you probably want to consider getting your own domain name email address.

2. Get your email using your own domain name. This means you have to buy your own domain name for your firm, and then get someone to "host" that email address to make sure you get emails. It's not as hard as it seems.

First you need to buy your domain name. There are lots of companies out there who sell domain names. They are all just domain name brokers who then take your request back to the central agency (ICANN) that registers all names. Kind of look at it as a title company that registers your title with the title clerk. Except these guys are fast, because they are linked up to ICANN and give you basically an instant response as to whether your name is available.

Domain names are surprisingly cheap. A company such as godaddy.com will sell you a domain name registration for an annual fee of less than \$10. The longer you register the name for, the cheaper the cost gets. You just type in the proposed name (which includes .com, .net, .biz, etc. options) and they will tell you if it's available. You should strongly consider buying both the .com and .net names if they're both available. You don't want someone else getting false hits from people looking for you.

Second, you go to one of these companies like godaddy.com and sign up for their email hosting program. You can generally get such services for under \$50.00 annually. Obviously, the price depends on the volume of email that you expect to receive. The companies generally have customer sales reps who will talk you through it, and you can always upgrade if you buy too low (most will not penalize for this). Basically, these services pull your emails into their server and then route them to your computer. If you have MS Windows, you will have Outlook. If you

use another program, there is probably a method by which you can pull emails off of a server (the same way you can redirect your personal emails if you have an AOL or Bellsouth account). The email hosting company will be able to send you directions to set up your Outlook "POP" file so that it pulls these emails off of the host's server. It's not as hard as it seems. You'll basically go to some tools on Outlook and it will ask you to fill in some internet addresses. Since these will be provided by the email host, it's usually pretty easy. And the customer service people tend to be willing to walk you through the whole process (maybe a 15-30 minute project).

You then can set up multiple mailboxes, depending on the type of account you buy. This way, you can have an email account to [jsmith@smithlaw.com](mailto:jsmith@smithlaw.com).

## GETTING A WEBSITE

Many firms now have websites. The type of website you create will depend on the type of practice you're looking to create. If you're looking for more of an individual-based practice area (PI, criminal, residential real estate) you may want some interactive functions that a practice area that's mostly corporate-client based may not need or want.

There are two common methods by which to get yourself a website.

1. Get someone else to build your website. Definitely the more painless and more costly method. However, it takes one thing off your hands. Most new firms are mostly just looking for an informational website, just to have a presence on the internet. But remember, it's your public image. If you cheap out on this, it reflects on your firm because this may be the only thing a person knows about your firm. So try to make a good impression. This doesn't mean you need to spend a million dollars for a site. A basic site can cost under \$1,500, and sometime considerably less. If you want to be able to let people pay for services on the site (as in by credit card), or if you want special graphics or items that fade or move on the site, you'll probably pay more. But you can do a nice, concise website without getting deeply into debt.

Things you want to look for are designers who will help you get the site posted onto the Web once it's done and designers who will help you get some traffic on the Web by buying some search names from search engines like Google (this will likely increase the \$1500 price).

2. Build your own website. There are lots of programs out there that will allow you to build a website for less than \$500. Microsoft sells an easy-to-use program called FrontPage that is a common website builder. Of course, they make it easy to integrate MS Word text into the website. But there are other companies. Most of the companies that sell domain names also sell website design programs. GoDaddy.com, for example, sells a basic website design program, which includes a year's hosting, for under \$100. These programs are usually pretty basic and put your site into a pre-set template, but they can look pretty nice.

You then have to get the website "posted" on the internet. By analogy, you're hiring someone to take your document (your website) and put it onto the computer's document directory (the worldwide web). For your purposes, it's the same as getting someone to host your email. The same people that will host your email accounts, as discussed above, will also host websites. For example, Earthlink is a big website host. This service generally is under \$50 annually, depending on the services you want from the host.

## ADVERTISING ON THE INTERNET

This is not particularly cheap, but it could reap nice benefits if you do it right. At the very least, you want to try to at least cover your costs. And look at the traffic and results regularly to see what's working and what's not. Don't continue to sink money into something that's not producing results (a wholly subjective term), but make sure you give it enough time (at least 6 months to a year) to get some traction.

There are two primary ways that most attorneys advertise on the internet:

1. Use of a legal-oriented website that lists your firm for a fee. The most common method is by LEXIS's Lawyers.com or martindale.com (also run by LEXIS). Neither is cheap, but depending on your practice area, may be a reasonable investment. Martindale.com is more commonly used by firms that deal with corporate clients, whose corporate counsels "expect" your firm to be there. If you're dealing mostly with individuals, the couple of thousand dollars can probably be better spent somewhere else. Lawyers.com is a search engine that will pull up your firm's name and practice area on a rotational basis. They've recently spent a lot of money to make sure Lawyers.com comes up in virtually any Google or other search engine term search that involves lawyers. There are also a lot of specialty search engines that deal with legal topics, such as law.com, lawinfo.com, etc. that do essentially what lawyers.com does.
2. Go directly to the source and get your firm's website to have search words "hit" when a Google or other search engine query is made. This means going directly to search engine such as Google. Most new firms don't go this route, but it may be worth exploring if internet advertising is a major part of your business plan.

## CLIENT DEVELOPMENT

There is no cookie-cutter way to develop a client base. Depending on your practice area, you will tend to focus your efforts in a different way. For example, a plaintiff's personal injury attorney is looking at a different base of clients than her opposing counsel representing the insurance company. They will use different methods by which to develop clients.

However, there are a few constants that you should consider when getting and trying to keep clients. While these would appear to be basic, it's easy to forget about them when you get busy with a lot of other things that running a practice requires.

1. Consider some form of media advertising. Look at your market. That will give you a clue as to how you should market. There is no magic wand that guarantees success, but simply getting your name out there is important to a new attorney. If you are trying to get to the general public, the standard methods are the Yellow Pages, television and print advertising, and outdoor displays (such as billboards and displays near public transportation). But these can be expensive. You can also consider internet advertising via a website or search engine. Of course, the expense could reap nice financial benefits if you come up with the right advertising approach. You may want to start small, with local print media and local yellow pages, and then move up if the results look promising. Just make sure you plan for what happens if the advertising is a success. Resist the temptation to take more cases than you can handle. That could get you in malpractice trouble or simply dry up your sources if you get a reputation for

someone who can't handle the work. Finally, make sure you remember to read and follow the Bar's advertising rules and then run your ad past the Bar at least concurrent with when the ad runs (although pre-review is probably the safer route). This is mandatory under Bar rules. If you have any questions on this, call the Bar and talk to their advertising compliance department. Their number can be found at [flabar.org](http://flabar.org).

2. Keep in touch with your classmates. Your competitors in class often become your best source of referrals when you get out. Make sure it goes both ways, though, and be sure to thank that person promptly.
3. Get involved in the local bar organization, the small firm section, or some specialty practice area. Any way to meet other lawyers, who may be able to send referrals your way. Same advice as with your classmates on responding in kind and thanking the person promptly.
4. Get involved with a local group that's of interest to you. Doesn't matter what it does. Just get your name out there and let people know you are an attorney. Don't be pushy about it, though. People don't like to think that the only reason you're there is to get business. Be actually involved too, rather than just someone who rushes in and out. At that point, you get no real advantage out of your membership because people see it for what it is: solely a push for business.
5. When you get a client, deal with that person the same way you would want to be treated. In short, when they call you, return their call promptly. When they send you an email, return the email promptly. Keep them up-to-date on their matter, even if nothing's happening on the case. They took the time to seek you out. The

least you can do (even if the client is difficult) is let them know where their case stands. If you do this, the client will leave happy, and they may use you again or tell their friends about you. If they leave mad, you can rest assured they will not use you again, but they will definitely tell their friends about you -- only not in the way you'd hope they would talk about you.

6. Do a good job and pay attention to the details. Other lawyers and judges notice this. You'll get a reputation for doing good work, and you're more likely to get a referral.



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**The Florida Bar**

➤ LOMAS

➤ About LOMAS

THE FLORIDA BAR'S

## LAW OFFICE MANAGEMENT ASSISTANCE SERVICE

### MISSION

Recognizing that many practicing lawyers lack fundamental training in business and practice management principles, the Law Office Management Assistance Service (LOMAS), through an experienced staff of practice management advisors, provides advice, assistance and support to members of the Florida Bar through a variety of services. Focused on management principles such as trust accounting rules, docket control, prevention of client conflict, and the integration of high-tech equipment into the law practice, LOMAS strives to aid attorneys avoid malpractice or grievances through the application of sound business procedures, best practices, and exists to provide Florida attorneys with this type of assistance.

### SERVICES

LOMAS promotes effective management techniques for both lawyer and support staff in a manner flexible enough to respond to the immediate demands of today's ever-changing law office environment. Information is shared through telephone conversations, requested items from the Law Office Management reference library, publication of news articles, and voluntary on-site consultations. LOMAS has an active role in the Florida Bar's grievance process, helping rehabilitate attorneys experiencing law office management problems. LOMAS also develops special preventative programs aimed at attorneys whose practices place them in a high-risk group for grievances. Telephone queries are free and confidential. Voluntary on-site consultations are fee based and provide detailed and confidential analysis of firm management policy, procedures and issues

### HISTORY

Although LOMAS is a relatively young service dating back only to 1979, it is the longest continuously-running state-bar sponsored program in the United States. Stemming from a special committee appointed to design an innovative program to provide law office management advice to Florida lawyers, LOMAS has grown to assist thousands of attorneys and legal staff members each year. Fielding more than ten thousand telephone calls annually, its services have expanded to include technology review, marketing, videotape production, and a variety of other projects, each designed to better serve Bar members and their support staff.

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## **The Florida Bar**

➔ LOMAS

➔ Contact LOMAS

If you are a Florida lawyer and would like advice or assistance in the management of your law practice, feel free to contact any of the LOMAS staff listed below:

**J.R. Phelps, Director**  
LOMAS  
The Florida Bar  
651 E. Jefferson Street  
Tallahassee, FL 32399-2300  
Telephone: (866) 730-2020  
Fax: (850) 561-5825  
e-mail: jrphelps@flabar.org

**Judy Equels, Senior Practice Management Advisor**  
LOMAS  
The Florida Bar  
651 E. Jefferson Street  
Tallahassee, FL 32399-2300  
Telephone: (866) 730-2020  
Fax: (850) 561-5825  
e-mail: jdequels@flabar.org

**Jerry Sullenberger, Practice Management Advisor**  
LOMAS  
The Florida Bar  
651 E. Jefferson Street  
Tallahassee, FL 32399-2300  
Telephone: (866) 730-2020  
Fax: (850) 561-5825  
e-mail: jsullen@flabar.org

**Debbie Ferrell, Administrative Secretary**  
LOMAS  
The Florida Bar  
651 E. Jefferson Street  
Tallahassee, FL 32399-2300  
Telephone: (866) 730-2020  
Fax: (850) 561-5825  
e-mail: dferrell@flabar.org

(updated 4/03)

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## **The Florida Bar**

### ➤ Law Office Management Assistance Service (LOMAS)

*Developing Business Management Practices within the Law Firm Today  
to Promote Efficiency and Professionalism for the Law Firm Tomorrow*

#### **Are You Considering Making a Change to your hardware or software in 2005?**

If so, consider attending ABA TECHSHOW as a Florida Bar member and receive a \$100 discount off the regular registration fee for the entire show.

ABA TECHSHOW is the world's premiere legal technology conference, and the only technology conference and exposition developed by and for lawyers and other legal professions. TECHSHOW attracts more than 1400 attendees from around the globe. If you can only attend one conference on technology and its role in the practice of law, this is the one.

The main focus of ABA TECHSHOW is the educational sessions. Last year ABA TECHSHOW had eleven tracks bringing attendees over 60 options for CLE credit. Attendees also enjoyed learning from over 100 legal technology exhibitors including hardware, software, and service companies in the Exhibition Hall.

When registering indicate PPC: PP09 and receive \$100 off the registration price as a Florida Bar member. For more information or to register go to: <http://www.techshow.com>

### Disaster Response resources from LOMAS

About LOMAS  
Hot Topics in Law Office Management (FAQ)  
LOMAS Materials Descriptions  
LOMAS Materials Order Form  
On-Site Office Consultations  
How to Contact LOMAS  
Technology Consulting

#### **LOMAS Forms & Checklists**

Acknowledgement of receipt of file  
Authorization for transfer of client file  
Checklist for closing your own office  
Dissolution Checklist (PDF format)  
Initial Client Consultation Interview Form  
PDF or WordPerfect format  
Internet/Intranet/E-Mail Use Policy  
IOTA Trust Account Forms  
Notice to Bar Foundation Form 1  
Notice to Bar Foundation Form 2  
Notice to Eligible Institution Form 1  
Notice to Eligible Institution Form 2

#### **Articles & Resources**

A Tradition of Pro Bono Services  
Big Shoes to Fill: The Job of Inventory Attorney  
Caveat – Taking Client Files in Anticipation of a Departure  
Choosing the right entity for your law firm  
Ethical Considerations Regarding Contacting Clients in Anticipation of a Departure  
Ethical Marketing  
Websites for Lawyers and Law Firms (Power Point)  
Florida Legal Malpractice Insurance Carriers

Law Office Disaster Response Plan

Letter advising that lawyer is closing his/her office

New Law Practice/New Office Checklist (PDF format)

Order Appointing Inventory Attorney Form

Pre-Need Inventory Attorney Form

Sample Letter to Clients from a Departing Partner/Shareholder/Member (PDF format)

*Internet marketing and search engine secrets*  
So your firm has a website, what now?

Keys to Maintaining a Successful Law Practice

LOMAS: Assisting Law Firms Focus on Management

Preventing Conflicts of Interest

Test Your Firm's Technology Savvy

What does 'competent representation' really mean?

When may I Destroy My Old Files?

The ABA website has information on help for lawyer reservists  
<http://www.abanet.org/legalservices/helpreservists/lamphrhelpforlawyerreservists.html#advice>

(updated 1/05)

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## **The Florida Bar**

➤ LOMAS

➤ LOMAS Materials Descriptions

(please use the Order Form and add applicable tax)

### **"STARTING ON YOUR OWN" SETS**

Basic Set (\$164.00 -- savings of \$37 over individual pricing) -- Essential Guide to Starting and Managing a Law Practice in Florida, Starting Anew videotape set, and How to Start and Build a Law Practice book.

Expanded Set (\$210.00 -- savings of \$56 over individual pricing) -- above three items PLUS Maintaining a TRUSTworthy Trust Account videotape.

### **AUDIO/VIDEO TAPES**

Breaking Ties: Practical and Ethical Considerations in Valuing a Partner's Interest in a Law Firm (\$49.00) -- 2.0 General CLER credits including 2.0 Ethics - Videotape and accompanying materials developed by LOMAS. Buy-outs, stockholder agreements, employment agreements, alternative minimum tax, valuation reports, buy-sell agreements, valuation methods, law practice financial data, rules and opinions, division of fees, client notification, negotiating value, etc.

Maintaining a TRUSTworthy Trust Account (\$65.00) -- 2.0 General CLER credits including 2.0 Ethics -- Videotape and accompanying materials developed by LOMAS. Florida Bar Auditor, Jim Wells, explains in detail the basic accounting, Rules, and reporting requirements in an easily understood format. This videotape is a "must have" for every law firm, especially for any firm that entrusts this important activity to a non-trained bookkeeper.

Starting Anew (\$75.00) -- 5.0 General CLER credits including 2.0 Ethics -- 2 videotapes developed by LOMAS. This 5 hour videotape set is designed to provide a complete overview of the many critical aspects and interrelated issues involved in starting a new law firm. Five speakers from different perspectives explore the issues of leaving, joining, or starting a new practice.

### **PRACTICE MANAGEMENT BOOKS**

Anatomy of a Law Firm Merger (\$78.00) -- Information on every aspect of a merger, from why a firm should consider merging to integrating the new firms and their practice.

Collecting Your Fee: Getting Paid from Intake to Invoice (\$68.00) -- Learn how you can increase your collections, decrease your accounts receivable, and keep your clients happy while doing it. Includes a CD-ROM that can be customized to suit your needs. It contains a sample client intake form, fee agreements, detailed bills, collection letters, status report charts, and more.

Compensation Plans for Law Firms (\$78.00) -- Useful tool for law firms seeking to develop equitable ways of distributing profit to the owners of the legal business and to pay employees for their services, changes in billing, tiered ownership and deferred compensation.

Complete Internet Handbook for Lawyers (\$43.00) -- The "encyclopedia" covering this expansive medium. Basic tutorial material, as well as advanced ideas and research techniques. This book works in tandem with a frequently updated web site. Also contains forms and checklists that can be downloaded and customized.

Essential Guide to Starting and Managing a Law Practice In Florida (\$65.00) -- Developed by LOMAS. The decision to start a new law practice comes after much deliberation. This book provides "what", "where", and "how" answers to the most frequently asked questions regarding: Initial considerations, entity choices and

considerations, ethical considerations, office space, professional liability insurance, financial and trust accounting, and human resource employment considerations.

Flying Solo: A Survival Guide for the Solo Lawyer (\$83.00) -- An updated guide to the problems and issues unique to the solo practitioner.

How to Draft Bills Clients Rush to Pay (\$56.00) -- A collection of techniques for drafting bills. Topics include building the lawyer-client relationship, alternative billing arrangements, and timekeeping and billing tips. Also included is a list of resources for choosing timekeeping and billing software.

How to Start and Build a Law Practice (\$61.00) -- The ABA's best selling start-up book for attorneys by noted lecturer Jay G. Foonberg. It's full of practical advice and has the distinction of being "most frequently stolen from law school libraries." Find out why!

Identifying Profits (or Losses) in the Law Firm (\$15.00) -- Describes the concept of component profitability measurement for the law firm.

Law Firm Partnership Guide: Getting Started (\$68.00) -- Covers the life cycle of the law firm, the characteristics of successful practice arrangements, ownership options, content of the partnership agreement, and financing the new firm. Includes a model partnership agreement on diskette.

Law Firm Partnership Guide: Strengthening Your Firm (\$68.00) -- Practical advice on important topics such as adapting to change, meeting partnership challenges, dealing with financial problems, governance, protecting and nurturing the institution, two-tiered partnerships, compensating law firm owners, and leadership in a law firm.

Lawyer's Guide to Marketing Your Practice (\$78.00) -- This guide covers ideas that will help you develop your marketing approach, enhance your image, implement your marketing strategies, and maintain your program. The accompanying CD-ROM contains checklists, plans, sample reports, and more.

Lawyer's Guide to Strategic Planning (\$68.00) -- Learn about the strategic planning process and how to establish goals in key planning areas such as law firm governance, competition, financial management, technology, client development and retention, and more. The accompanying CD-ROM contains policies, statements, and questionnaires.

Maintaining a Trust Account Using QuickBooks (\$65.00) -- This publication is for those firms already familiar with QuickBooks and how it can be used in a law practice. It's designed to help you understand how to use your QuickBooks to maintain your trust account in compliance with The Florida Bar's Rules regarding trust accounts.

Results-Oriented Financial Management (\$89.00) -- A complete guide to creating and implementing a successful law firm financial plan. Discusses how to gather data to prepare and analyze your budget, as well as different ways to set rates, compute billable hours, calculate net income, etc. Includes a CD-ROM you can use to examine your existing, or proposed, financial program and experiment with variables that effect your firm's profitability to determine what works best for you.

Who is in Charge Around Here? (\$45.00) -- A basic course in law office management for the non-lawyer manager. Discusses law office finance for the non-finance major, human resource management for law office supervisors, improving your supervisory skills, and practice management principles to improve efficiency and effectiveness for yourself and your firm.

## **OTHER PRACTICE AIDS**

Administrative Forms Handbook (\$45.00) -- manual and diskette (WP 6.0) developed by LOMAS -- Over 80 sample forms, including client communication forms and letters, client fee agreements and letters of representation, client intake forms, financial forms, marketing forms, partnership and PA documents, personnel forms (general staff and associate attorneys), and several substantive forms.

Sample Policies for Law Office Personnel (\$45.00) -- manual and diskette (WP 5.1) developed by LOMAS -- Over 60 policy topics, including client relations, confidentiality, equal employment opportunities, dress code, partnership

criteria, holidays and leave, overtime, performance evaluations, nepotism, telephone answering, bonuses, family and medical leave, alternative work schedules, and harassment.

(updated 12/04)

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