

# Solo Practice Management Basics

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## James W. Martin

provides legal advice on a full range of legal matters involving Florida law. He is rated AV by Martindale-Hubbell and is listed in Who's Who. His undergraduate experience at Georgia Tech and Stetson University concentrated on science, mathematics, and computer technology. His Stetson College of Law education prepared him for work as a lawyer handling the broad range of legal problems confronting individuals and businesses involving Florida law. His work as a Florida lawyer has taken him into many fields of law: probate estates, wills, trusts, business, corporations, nonprofits, employment, real estate, construction, contracts, and litigation. He has written seven volumes of legal forms books for West Publishing and numerous articles for ALI CLE and The Florida Bar, and he teaches legal drafting and law practice management at Stetson University College of Law as an adjunct law professor. Jim Martin also writes the blogs Jim Martin (a Florida lawyer's view of the law), One Lawyer Online (a collection of law practice management ideas), and ePlead® (an online interactive database for legal information). The author presented an earlier version of this outline at the Stetson University College of Law Solo Practice Institute in 2012. He can be reached at [jim@jamesmartinpa.com](mailto:jim@jamesmartinpa.com).

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### Think big before you think small.

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**GOING SOLO** is a big decision. But before you start trying to plan the smallest details it makes sense to think about the big picture. The aim of the following outline is to help direct that process.

#### **1. You must make three decisions before you open your practice.**

**a. Will you have staff?** Solo is simple. One single-line phone, one computer, one calendar, one address book, one office, one chair, one desk, one filing system, one license for Microsoft Office, one email, one username, one password: one, one, one, one! As soon as you add staff, even just one person, even just a part-time person, you complicate it. Now you need two phone lines, two computers, shared calendar, shared address book, two offices, two chairs, two desks, shared filing system, two licenses for Microsoft Office, two email addresses, two user names, two passwords: two, two, two, two! Every purchase, every system, everything in your one-lawyer office is affected by this decision. Will you be the only person in your office or do you need to plan for more?

**b. Will you have office space?** Working in the same place you eat and sleep is simple, but it might not work. Dogs bark, children cry, lawn mowers run. The sounds of residential neighborhoods distinctly differ from downtown and commercial areas. Do you care? Do your clients care? Does your family care? Does your employee care? Does the city zoning official care? As soon as you have office space outside your home, you trigger a whole slew of stuff to do, each with its own set of expenses.

**c. Will you have paper?** It's a choice. We receive more communication by email than by U.S. Mail now. The only question is whether to print it. We receive most documents as email attachments now. The only question is whether to print them. We still have a need to document what we receive, send, advise, and do. The only question is whether to print it on paper. If you do, what will you print, how will you print it, where will you keep it, how will you keep it confidential, how will you keep it safe? If you don't print it, the same questions apply to the electronic files.

What's interesting about these three questions is that no one asked them a decade ago because every lawyer needed staff, office space, and paper. But today we live in a world where technology allows lawyers to practice virtually independent of staff, office space, and paper...if that's what they choose to do. Today it can be done. It's your decision.

## **2. You must have reliable communications technology.**

**a. Telephone.** Cell phones are ubiquitous, but don't replace landlines. Cell connections fade, cut out, and garble. Get a landline that forwards to your cell when you need it. Package your landline with your Internet service to keep the cost down. For about

\$100 a month, you can probably get a landline and fast Internet connection.

**b. Email.** Your email address should be yourfirst-name@yourlastname.com and not yourfirstandlastname@gmail.com. Your email should be the same as your domain name.

**c. Fax.** Yes, you still need a fax, but you don't need a fax machine. You can get an online fax number for about \$100 a year. You can even port your existing number to it.

## **3. You must have useful productivity technology.**

**a. Computer.** You already have a computer, but is it business-ready? No games or virus-attracting software allowed. Is it reliable? Do you have a backup computer to transition to seamlessly when it crashes? If not, it's time to decide: will you be a Mac or a PC? After 20 years of PC, I switched to Mac. There are pros and cons to both.

### **b. Software. Here's the minimum:**

- Microsoft Office (Word, Excel, Powerpoint, Outlook) or Apple iWork (Pages, Numbers, Keynote, and Apple Mail);
- Adobe Acrobat;
- Time and billing (examples: Timeslips for PC, Billings for Mac, Clio for online);
- Financial (Quickbooks).

**c. Scanner.** Even if you decide not to be paperless, you need a scanner for mandatory efilings (it's coming, if not yet here). Key specs to consider:

- Scanning speed (25 pages per minute or more);
- Automatic document feeder (25 pages at least);
- USB or network connection;
- Scan to PDFs that are readable by court efilings systems (test it first; some don't work);

- 300 dpi resolution for OCR (optical character recognition);
- Double-feed sensor;
- Two-sided scanning;
- Flat bed for scanning books, magazines, and bound papers.

**d. Printer.** Even if you're paperless, you need a printer because the rest of the world still uses paper. At least for some things. Get one that will print at least 20 pages per minute black and white and holds at least 250 sheets of paper.

**e. Shredder.** After you print and scan your paper, you need to shred it. There are two types: strip and confetti. Confetti shredders are more secure, but strip shredders are faster.

#### **4. You must have a credible presence online.**

**a. Website.** You surf the Web. Now it's time to be surfed. Make a list of your favorite websites. Note their colors, fonts, font sizes, layouts, etc. Note how you navigate them. Note their content and organization. Tell your website designer that's the way you want yours to look. Tell the designer you want to be able to change the content and upload new content without going back to the designer. Name your website yourlastname.com. Be sure every page has your full contact info so users can cut and paste it easily. Include a vcard to download to add you to their address books. Include a copyright notice. Post all your articles and publications. Include your resume and areas of practice. Make sure your content uses sentences with subjects, verbs and predicates, and proper punctuation. Make sure your content uses your practice's keywords. Write your content as if you were entering search terms in Google. Include links to other websites. Put your website address on your letterhead and business cards with your email address.

**b. Blog.** Don't stop with a website. Add a blog and link them to each other. Think of the website as being static, perhaps changing only when you add a new article or area of practice. The blog is dynamic, with new blog posts on a regular basis (at least monthly). Keep the blog friendly but professional. Don't let users comment without editing those comments (avoid spammers). And remember that the website and blogs are regulated by the bar, so study bar rules and comply.

#### **5. You must have a working records and file management system.**

**a. Paper v. electronic.** If you have paper, you need filing cabinets to keep the file folders, and you need an index listing every file. Otherwise, how would you know when a file is missing? If you have electronic files, you need computer folders to keep the files as PDFs, and you need an index listing every file. It's the same thing. One is paper. One is electronic. The only difference is that paper burns and takes up space, and electronic files take up no space but can be accidentally deleted with the click of a mouse. Each requires its own systems for creation, maintenance, archiving, and deleting.

**b. File naming conventions.** You cannot name some files by client first name, some by last name, and some by number. You need a standard way of naming all of your files, whether paper or electronic. And you need a standard way of naming computer files. I organize every client's computer file with subfolders for docs, drafts, memos, letters, research, and pleadings. Every file in the letter subfolder is named "Letter [fm][to] cl 2012.04.13". Every draft is named "Contract d2 2012.04.13". But these are my conventions. Come up with your own that work for you. And use them consistently. Be organized.

**c. Archives and backups.** Nothing lasts forever. Cases end and their files get closed. Clients come and clients go. Paper files get yellowed, lost, and damaged. Electronic files get deleted. Hard drives fail. You need backups of both paper files and electronic files, and you need archives for both. You need to think about this and write a system for how it will work. You need to write out the procedures that your office will follow.

**d. Collaboration and sharing.** We don't practice in a vacuum. We have clients. We collaborate and share files and documents with them and with opposing parties and counsel. We do this with paper sent by U.S. Mail, courier, FedEx, UPS, and fax. We do this electronically by sending PDF and Word documents by email, FTP transfer, YouSendIt, and Dropbox. And maybe Google Docs.

**e. Security and policy.** You need to put all of the above in writing as your office file policy, and it needs to address security and confidentiality as well as preserving the attorney-client privilege and the work product doctrine.

## **6. You must have a working place to do your work.**

**a. Traditional office.** You get up, put on your coat and tie, load your client files and last night's work into your briefcase, and drive to work. You unload your briefcase, place your files on your desk, and get back to work dictating the day's work to your secretary, who types it up and mails it out. If this is what you do, then the traditional office is your place to work. You need a parking place, a reception area, a conference room, an office with a desk, a chair, a pad and pen, and your diploma on the wall. And a photo of your family on your desk. (As I recall, it's Foonberg Rule Number One that the photo faces you.)

**b. Business suite.** You get up, check your email, review your to-do list and reminders, plan your day, take the dog for a walk, take the kids to school, put in a few hours of billable work, get some lunch, drive to work, check the mail, meet a client, print some documents, drop them in the mail, drive home, put in a few more hours of billable work, email it out, walk the dog, eat dinner, put in a few more hours of billable work, read to the kids, ... You need a business suite that has a parking place, receptionist, conference rooms, your office with desk, chair, etc. Family photo optional.

**c. Virtual office.** See b above, but you drive to work only once a week. You need a virtual office at a business suite that provides conference rooms. In b and c you need a quiet place at home to do your work, call your clients and other lawyers, and maintain client confidentiality.

## **7. You must insure against your risks.**

Think of something that can go wrong. There's insurance for that. Find an insurance agent. Describe the risk. Ask for premium quotes for the various risks and coverage amounts and deductibles. Don't forget to read the policies.

**a. Professional, commercial general, auto, and umbrella liability.** Professional liability policies defend and pay claims of malpractice. They are "claims-made" policies, so claims must be reported in the policy year when you first learn of the claim. Commercial general (public liability) and auto insurance are "occurrence" policies that cover accidents that occur during the policy year, so keep your policies for many years in case you have claims arise later. An umbrella liability policy provides higher limits of coverage over a base of underlying liability policies so that you can increase your coverage to \$1 million or more but does not usually apply

to malpractice but is important for auto coverage because you can add uninsured/underinsured coverage to it to protect you if someone hits you and has no insurance.

**b. Property.** Homeowners insurance covers your home and contents. Business owners insurance covers your business contents and other risks.

**c. Workers compensation.** If you have an employee, you must have a workers' compensation

policy, and if you don't then you will probably be personally liable for medical and disability claims of the employee.

**d. Health, disability, and life.** You must have health, disability and life insurance to provide financial security for you and your family in case you are not Superman or Superwoman.

Be careful out there. The world is full of risks, but the rewards outnumber them when you plan ahead.

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