

Fifty Lessons Learned



For information on the author, visit www.joshuastein.com. The author appreciates helpful comments on this article from Alfredo R. Lagamon, Jr., of Ernst & Young LLP, NY; Donald H. Oppenheim of Law Firm Profitability Group, Berkeley, CA; Deborah Goldman, James Patalano, and Lauren Silk, of the author's legal staff; and Elizabeth T. Power, the author's managing editor. Blame only the author for any errors or missed insights. Any overlap with the author's previous articles is intentional, in the interests of completeness. Readers are encouraged to comment on this article by sending email to joshua@joshuastein.com. Copyright © 2015 Joshua Stein. All rights reserved.

Joshua Stein

Five years of running a small law practice has taught the author a lot about a lot of things.

FIVE YEARS AGO, after almost three decades of practice in a global megafirm and two smaller firms, I opened my own law practice, with no certainty the venture would succeed. So far, so good—I can meet the payroll (and have now done so 100+ times), keep the lights on, keep the clients happy and participate in CLE activities like writing this article. Along the way, I learned a lot. I learned more on how to run a business. I learned more on practicing law, working with people, and making decisions. And I learned a lot more than I already knew about how to use technology.

In this article, I've tried to distill some of that education into 50 lessons. As is true of any article of this type, some of my lessons may seem obvious. Obvious or not, they're still worth revisiting. Some may seem surprising. And some lessons might reveal a lack of knowledge, insight and sophistication. If so, it only proves I still have quite a few lessons to learn in my next 30 (?) years of practice. As a final caveat, these lessons came from running a transactional practice in commercial real estate. Many will not apply in other practices.

CLIENT DEVELOPMENT

1. Clients from Hell. Some potential clients are best left to other lawyers. Even if you think you need the work, don't hesitate to turn down a potential client from hell. Here are some common red flags:

- The potential client fired his or her previous lawyer;
- The potential client is in an extraordinary hurry for no discernible reason;
- The potential client hesitates to give full contact information or calls from an "Unknown" cellphone number with a bad connection;
- The potential client is (i.e., chooses to be) impossible to reach;
- The potential client has already cut ethical corners (your standards won't rub off on ethically challenged clients—you'll just get dragged into the mud with them); or
- The potential client is obsessed (even more than usual) with pinching pennies.

2. Different Strokes. There is no one best way to find clients and build a practice. Someone else may have had great success using techniques that would not work for you. That's fine. Do what works for you and what feels right. But try to figure out what that is and do it.

3. Fee Negotiation. If a prospective client tries to negotiate fees, don't roll over too fast. Don't worry too much about losing the work. The fee negotiation is a test run for "real" negotiations. If you are tough about the fee negotiation, the prospective client will get the message that you will be tough when you negotiate on his or her behalf with other parties. The prospective client will respect you more for it. I make it a policy to charge all commercial real estate clients the same rate—no premiums, no discounts—so there's nothing to negotiate. Some people think that's crazy. But I disagree, and it works for me. If you agree to a discount to get an assignment, you might cut yourself off from the next client, the one that will pay full freight. Try to set standards for new clients and stick to them. It won't always be easy but it will pay off. Also, if you feel you need to collect a fee advance from a potential client, you might want to reconsider taking the potential client at all. If you do decide to take on that client, don't get too far ahead of the fee advance. If you take a client who turns out to be a mistake, you may become too busy to take on the next opportunity, which could well be far more attractive.

4. Network. Any business development strategy will include staying in touch with a network of prospective clients, referral sources, and other people out in the world. You can never predict where your next engagement will come from. As you build and maintain that network, keep in mind a few principles:

- Not everyone must be a close contact. It's good to have a wide network, including many people with whom you have "weak ties" but enough that they will remember you and your name.
- Stay in front of those people. Let them see your name every so often, though not obnoxiously often. Send out blast emails, invite them to parties or other events (even if there's no chance they'll come), circulate copies of articles, invite them to meals or drinks.
- Give it time. You may sow a lot of seeds. After a long time, some may sprout. They might not necessarily be the ones you expected.

- Reach beyond the obvious sources of work and referrals. If you meet an artist, poet, funeral director, tour guide, or university administrator, you never know who else you will meet through them. In the meantime, they could be pretty interesting and could become great friends.

5. Practice Area. Define your practice area or reasonable set of practice areas and promote yourself accordingly. If you try to be all things to all people, then you are nothing in particular to anyone. Refer out any work that you can't reasonably do. Make sure your nominee knows the work came from your referral. Over time, the lawyers to whom you send referrals will return the favor. Establishing a reputation in a practice area can involve writing and speaking, two activities that have worked well for me—though it took more than a decade of publishing at least one article a month.

6. Promotion and Marketing. I've tried targeted advertising, in one case over an extended time. No one ever mentioned that they saw my ad, so I stopped running it. I have my doubts about advertising. People do appreciate (or at least say they appreciate) receiving promotional gifts, though I have no idea if they actually lead to client engagements. If you do give out promotional gifts, make them useful and of high quality; otherwise they will meet their fate in the dusty recesses of the bottom drawer of a desk or a garbage can. My main promotional activities have consisted of writing and speaking, primarily for lawyers—which is okay because many of my referrals have turned out to come from other lawyers. I've never targeted any specific client or invited anyone to a meal or drinks with the goal of making them a client. I have also never seen any value in social media, with one exception: maintaining a consistent blog, with frequent high quality postings, might produce great name recognition and potential clients. I haven't done it, but I've seen it work for other lawyers.

7. Sometimes (Many Times!) You Won't Get Hired. When prospective clients call, only some will end up hiring you. That doesn't mean you are a bad person or did anything wrong. It also doesn't necessarily mean you charge too much. It just happens. Don't take it personally. Move on. Some people think you should try to find out why you weren't hired. That's not on my agenda. If someone doesn't hire me, I do try to thank them for considering me. I let them know I'm still their friend. I try to keep them in my network. Sometimes they come back in a substantial way.

CLIENT RELATIONS AND HANDLING

8. Active Matters. In a sophisticated transactional practice with low overhead - as opposed to a large firm - you don't need many active matters. If you have three substantial active matters, that can suffice. If you bill four hours a day at a decent billing rate with no meaningful overhead, you're probably way ahead of where you might be at a large firm. And you never need to ask any committee to approve anything.

9. Managing the Bill. The client usually isn't looking over your shoulder when you do your legal work. They can't stop you if you are about to bill ten hours to a project that doesn't need to be done or doesn't merit more than ten minutes. Manage yourself. Think like a careful cost-conscious client as you do your work. Does this work make sense given your hourly billing rate? Can you think of some better way to do it? Should someone more junior, or the client, or a nonlawyer, do it? The client may not think of these things.

You should. It will prevent billing surprises and help you keep clients. And if the client asks you to do something that isn't a cost-efficient use of your time, say so. Transactional legal work involves a lot of pure legwork with little or no legal content, such as coordinating insurance and preparing closing statements. Encourage clients not to have you do it, because it's not a cost-effective use of legal fees.

10. Respect. Resist the urge to be overly deferential to clients. They will respect you more if you say what you think, challenge them, and give them reasons to change their minds. Of course, once they make up their minds the discussion is usually over. And if a client behaves like a jerk, consider firing them or at a minimum pushing back. It helps to have more than one client.

11. Retainer Letters. Even if your local ethics rules don't require it, and even if you won't require a fee advance before starting work, have new clients sign retainer letters. It establishes that you do expect to be paid. It's a formality that some clients like, as it shows you are "their" lawyer and there is a mutual commitment. Make sure your retainer letter covers the entire anticipated engagement. If the engagement may change over time if certain things happen, build that into the retainer letter. Otherwise, you will never remember to go back and amend the retainer letter. If you do require a fee advance, call it a "fee advance" rather than anything that might suggest it's held in escrow or in trust. Make it a prepayment for legal fees, with the possibility of a refund if the final bill turns out lower. Keep it in a separate account until you apply it to pay bills, so you won't trick yourself into thinking you earned it.

12. Returning Calls. The most common complaint about lawyers, except bills, is that they don't communicate with clients. So return calls quickly. If you can't have a substantive conversation, at least acknowledge the call, perhaps by email, and promise to return it quickly. But it's okay to be out of the office and out of touch, or lost in a closing. You don't have to return every call instantly, as long as you acknowledge it. And try to report back to the client on the progress (or lack of it) of their matter before they call you to ask.

PERSONNEL

13. Assistant. You may think you can do everything yourself with a computer. And you're right. You can do each and every clerical assignment that needs to be done. You can photocopy! You can operate a scanner – all you have to do is push a button! You can run someone else's changes on a document! You can answer the phone! You can prepare a conference room for a meeting! You can run redlines and prepare distributions and update version descriptions and put stamps on envelopes and pay bills online! You can do it all yourself! But these things are often a huge waste of your time, assuming you have even the most minimal amount of billable or nonbillable legal work on your calendar. Compare your billing rate with the hourly rate you pay an administrative assistant. It's a no-brainer. If you pay an assistant for ten hours of work and it lets you work one more billable hour or catch your breath for an hour, this puts you way ahead of the game. Even if you can't keep that person totally busy, just having them available lets you do a better job practicing law and building your business. You may waste a few hours of hourly compensation. Over time, though, you have the incredible benefits of not wasting your expensive billable time on clerical work. That's true even in today's world of computers. Large firms are, of course, moving in the opposite

direction—piling as many lawyers as possible on each assistant—because they think “lawyers can do everything themselves.”

14. Client Control and Communications. If you hire another lawyer to help out, you may think you should maintain control over clients, and communications with them, so that the clients still perceive you as their lawyer and don’t start to develop too much of a relationship with your junior colleague. If you give in to your fear of losing the client, you will never properly delegate the legal work. Communications with the client lie at the core of legal work and the successful delegation of that work. Once you have confidence in your junior lawyer, let them—encourage them to—work directly with the client, without checking everything with you or always going through you. Yes, this might ultimately let the junior lawyer take the client, but in the meantime you can do a better job serving all your clients and building your practice so the loss of one client doesn’t matter. Run your business so you can still succeed even with client turnover.

15. Delegation. If you can delegate work to the lowest competent level, do it, even if you could do the job ten times faster than the person to whom you delegate it. Each particular delegation isn’t just about getting this particular assignment done. It’s about expanding the skills and experience of your staff, so they can do the next ten similar assignments more efficiently. And if the delegated project involves the early part of a billable matter, it creates a platform to help delegate the next parts of the project too. Without a law firm management committee looking over your shoulder, you can also freely delegate personal tasks to your assistant. It’s good business to do that. If you are paying an assistant a fraction of your hourly billing rate, they should do every possible thing they can do—even “personal” work.

16. First Impressions. Usually your first impression of an employee or potential employee will turn out to be correct. This may not be fair or kind, but it’s usually true. That’s particularly true if your first impression is negative. Resist the urge to look on the bright side. Go to the next candidate. Once you do hire someone, try to have a significant probationary period, so if you made a hiring mistake you can extricate yourself with less pain. In that period, if someone shows they just aren’t nice, smart, practical, organized, or good at dealing with people, recognize that they probably won’t get better. On the other hand, if a nonlegal staff member does have all those qualities, but doesn’t know anything, that’s fine. You can teach them.

17. Mistakes and Praise. People make mistakes. Try to run your business so you find out about the mistakes and can fix them. Use them as learning opportunities. If you need to correct or criticize someone, do it in private, where no one else can hear. Recognize, though, that constructive criticism requires you to follow through and later tell the person whether or not they have improved. Rather than assume that burden, it may make more sense to say goodbye and move on to someone else. This isn’t necessarily kind and gentle but sometimes you can’t be kind and gentle. And when someone does something particularly well, tell them. Even seasoned lawyers are really just kindergarteners looking for their next gold star.

18. Payroll; Independent Contractors. As soon as you become an employer, you become subject to the ever-increasing burdens that a plethora of government agencies impose upon every company silly enough

to hire anyone. Once you hire anyone at all, you enter a whole new world of complex requirements. It only gets worse when you hire a junior lawyer to work for you. I made the mistake of hiring my first employee before I had set up my payroll system. I was almost fined \$4,000 for not having workers' compensation coverage for someone who worked for me part-time for two weeks. (I was able to get the fine waived.) I have to post a collection of signs that no one reads and update them every year. With each update, the signs get larger or the type gets smaller. I understand that inspectors may show up sometimes to make sure I posted the right signs. I may need a personnel department, even though I have only a handful of full-time employees. You have to think about all this before you hire anyone, even a part-time employee. You may think you can avoid the headaches by calling people "independent contractors," but you'll make yourself a tempting target for audits, retroactive tax bills, fines and penalties. Think long and hard before making someone an independent contractor. In many states, if you hire a lawyer and bill their time to clients, you categorically cannot make that person an independent contractor.

19. Staffing. As the practice grows, don't assume you need the "typical" staffing—full-time lawyers, legal secretaries, paralegals. I have done very well hiring experienced lawyers who don't want full-time jobs. In place of legal secretaries, I hire recent liberal arts graduates from top schools. They have no bad habits. Typically two work for me full-time as assistants, staying three months to three years and using the position as a launch pad for law school, other graduate school, or a job in a communications-related field.

20. Virtual Office. Technology lets you or your team work anywhere—Starbucks, the beach, a country house, etc.—subject to maintaining confidentiality. You need to have that capability. It's easy to do, but don't overdo it. There's something much better about seeing a co-worker in person, having a conversation, and working together on a project or a document. You see more, you think of more, you can discuss a transaction in a way that goes beyond the words of the document, and you teach more. So keep the virtual office available as an option, but also keep it under control. Along similar lines, even if you can conduct your practice entirely electronically, try to meet with clients at least once in a while. They like knowing you really exist, and have an office.

BUSINESS MANAGEMENT

21. Accounting System. Set up your accounting and billing system before you pay your first expense or receive your first payment from a client. Otherwise you will have a mess on your hands when you try to reconstruct everything later. As you go forward, keep full records, with comprehensible backup, explanations, and underlying paperwork. Don't rely on memory. You will forget. Make your accounting records clearer and more specific than they need to be. And even if it's just you, keep your personal accounts entirely separate from your business accounts, from the beginning.

22. Decisions. When you run a business, you need to make decisions. Before you do that, you can always look for more information, investigate further, consider alternatives, count the pluses and minuses. Lawyers overthink things. But usually, once you have a reasonable sense of the situation, you are better off making a decision and moving on. Whatever you decide to do one way, you can certainly do in any number of other reasonable ways. Someone else can always look at anything and suggest you should have done it

differently. In many cases, the worst decision is to make no decision at all, while you endlessly gather more information and rethink.

23. Expenses vs. Revenues. Don't spend a lot of time and effort cutting expenses, especially small ones. Revenue is the main event. When you compare most of the expenditures in your business against your hourly rate, the expenses are trivial. And sometimes you just have to spend money. All those expenses you incur are deductible, assuming you have income to deduct them against.

24. Fraud. Solo practitioners and small law firms are tempting targets for fraud, because they don't pay enough attention, lack the right knowledge, and trust people too much. A solo practitioner friend lost more than \$1,000,000 over seven years to an embezzling bookkeeper. Here are some important measures you can adopt to prevent fraud:

- Sign all checks yourself;
- Have the bank send statements to an address other than the office;
- Scrutinize every statement, in its entirety, as soon as it arrives;
- If you have your staff pay all bills online, as I do, make sure that only you have the authority to create new vendors. Fictitious vendors represent one of the most common frauds. If your bank can't limit online authority in this way, find a new bank. You should also make sure that whoever handles your payroll cannot create new employees in the online payroll system (or if they can, make sure you receive an automatic update whenever they do);
- Have your bank set up your checking account to block ACH withdrawals;
- Don't fall for any of the many scams that involve depositing a check in your trust account and then writing checks against it while it ever-so-slowly bounces.

These suggestions only scratch the surface. You may feel guilty that you do not "trust" your staff when you set up these and similar measures. But it's not a matter of trust. You want to set things up so that regardless of who works for you over time, and what they do, fraud is just not a possibility, or at least you have ways you can catch it and quickly stop it if you pay attention.

25. Image. It helps to have a professional image: a logo (best to avoid the scales of justice, a gavel, or the pillars of a courthouse); a telephone number that ends with "00"; consistent graphics. None of this costs much. It says you are serious and expect to be in business for a while. And I continue to be amazed at how many lawyers, small law firms and other professional service providers don't have websites. They are basically asking not to receive business via referrals. They should know that whenever a prospective client out in the world receives their name, the prospective client will immediately look for them online. If the prospect can't find the service provider online, the service provider immediately loses credibility and perhaps the engagement. And it's incredibly easy to prevent that problem.

26. More Than Today. When you have a law practice, you're in business for more than just today and more than just the latest assignment. You are building a business. This requires investment, taking some chances, telling prospective clients not to hire you when they shouldn't, not always maximizing efficiency

and revenue, fixing imperfections as they come up, declining matters that don't feel right, and otherwise taking the long view. Sometimes that isn't easy.

27. Not Busy. Sometimes deals close or disputes settle and it's light for a while. Enjoy it. Don't panic. If your practice has succeeded for a while, the same forces that drove the previous success will probably drive future success.

28. Not for Everyone. Solo or small firm practice is not for everyone. You need to spend a reasonable amount of time running a business, without a lot of support—no accounting department, no other practice areas, no word processing department, no library, no marketing department. This practice format works better for me than my previous practice format at a global megafirm.

29. Slack in the System. Don't run your business so if anything goes a little bit wrong, you have a problem. Have more equipment than you strictly need. Don't limit yourself to the bare minimum of support staff that you think you can get away with. A bit of extra capacity helps you handle surprises and breakdowns, and get special projects done. Similar principles apply to Internet bandwidth. Buy more than the bare minimum. The extra speed makes a difference. And when you order something, order more than you need right now. Of course, it is possible to over-purchase. For example, I recently learned that diet soda goes bad after three months. Before ordering more of something, make sure you don't already have an ample secret supply somewhere. This rule sounds obvious, but I often forget to follow it (call it "the Costco effect").

30. The Client Isn't Always Right. We've all had it drilled into our heads: "The client is always right." If the client challenges a bill, we should reduce it; if a deal dies, we should discount the bill even if it was an agreed-upon fixed fee; if anything goes wrong, it's our job to fix it even if it wasn't our fault. We need to get past this. The client isn't always right. Like anyone else, including you, the client might be wrong. You can be more forceful about this if the client isn't your only client. And if the client is right, admit it, fix it, get credit for fixing it, and move on.

BILLING

31. Collections Push. Keep an eye on aging of accounts receivable year round. Don't wait for a year-end collections push. All it does is assure a meager January. If a bill has remained outstanding for more than a couple of months, don't just send another email, which will land in the email abyss. Get on the phone. You may learn that the client has an issue, or the bill recipient has left the company, or needs more information, or didn't know about the bill. Email is too easy to ignore, especially if dealing with it will require any effort, energy, or additional information. Don't let them ignore your bills.

32. Confusion. Clients will grab any possible opportunity to be confused by a bill, thus putting the bill aside to deal with later. Make your bills as clear as possible, giving the clients no excuse to put them aside for later. Include clear instructions for how to pay the bill. Make everything as straightforward as possible. Include full time detail.

33. Cycle and Timing. Bill monthly. Always get the bills out. Getting that done is less work than thinking about it. Just do it.

34. Discounts. If you decide to write off time or allow a discount, show it. Take credit for what you did. And give some minimal explanation, making clear it is a one-time thing so that the client doesn't come to expect a discount on every bill.

35. Time Detail. Before sending it, review the entire bill. Check the time detail. Make sure nothing is misbilled or inappropriate (e.g., half an hour of billable time described as "waiting for Joshua to finish his phone call"). Better yet, make sure all timekeepers realize clients will see all their time entries and they should be written accordingly from the beginning, with no need for someone to edit them.

36. W-9 Form. Include a W-9 form with every bill. Without it, you invite delays in payment while someone in the accounting department sets the bill aside and then eventually asks the wrong person for a W-9 form, and then the request eventually comes back to you.

TECHNOLOGY

37. Backups. Bad things happen. You must back up your data. Do it daily, consistently, and if possible automatically. If you don't back up to "the cloud," then regularly take your backup media offsite. Periodically look at your backups and make sure they in fact include whatever you thought you were backing up. Otherwise, if you make some change in your file structure you may find you are no longer backing it up.

38. Cellphone. None of my work requires clients to contact me on an emergency basis. My clients aren't in jail and allowed to make just one phone call, to their lawyer. Thus I've discouraged clients from calling my cellphone, especially during business hours. Instead, they call through my receptionist and it works fine. When I reprinted my business cards, I deleted my cellphone number. Among other things, this lets me make a client feel special when I do give them my cellphone number for emergency use. When I do have work-related conversations on my cellphone, I often need to look at the image of a document while we talk. That alone justifies a second cellphone, at very nominal cost.

39. Document Management. Even a one-person law practice will benefit tremendously from an online document management system. I've had one (www.netdocuments.com) since before my first day.

40. Email. Many articles and entire books have been written about email. It's overused, especially for sensitive communications. Email should have the same professional tone as anything else you do. If email doesn't seem to be working—or if you have exchanged four emails on a subject and not closed it out—then pick up the phone. Differences of opinion exist on whether you should archive all email, or somehow archive it selectively hoping the "bad" email goes away. I favor the former, but have not yet identified the best technology to achieve it.

41. If It's Broke. If it's broken, don't fix it. Get rid of it. Don't wait for the broken thing to "get better." It won't, and the newer model is probably better. The cost of technology is so low that you should build

in plenty of redundancy and more power than you need. Most computer equipment becomes obsolete in three years, so it's halfway obsolete when you've barely started to use it. Don't hesitate to replace or supplement it.

42. Printers. A very good laser printer usually costs less than an hour of your billable time. Any law practice, however small, should have at least two laser printers. I have four, at the overwhelming cost of around \$1,500. Make all the printers the same model, so when one fails you won't get stuck with a supply of unusable toner. You hope that by the time all your printers fail, you've used up all your toner—which is usually way more expensive than the printer itself.

43. Telephone. The telephone remains the second-best way to communicate with clients. (The best is in person.) Encourage clients to use the telephone. Use it yourself. Consider sparing clients the burden of “telephone tag” by letting them know you will call back if you can't reach them. Train your staff to answer the phone with a smile. It travels through the telephone lines. Establish and try to enforce the use of a standard greeting. I have a continuing dilemma about how aggressively I want my staff to screen my calls. The rule for the moment is if my receptionist has a hunch the caller is a salesperson or a possible client from hell (see above), they should say they think I am in a meeting; but they're going to try to get me to take the call anyway; and it will be easier to do that if the caller would like to give some information about why they're calling. Some alarm bells for problem callers:

- Unusually friendly and very smooth voice (usually selling stocks);
- Someone who asks for “Josh” and is not a close family member (I go by Joshua);
- Rude, insulting or imperious;
- Unwilling to give last name; or
- “Client from hell” red flags as listed earlier.

44. Vacations and Travel. Technology lets me take longer vacations and trips than I once could. Instead of fighting to have three or four true “vacation days,” I recognize that wherever I go I can and will keep up with my work, so I will just “work in a different place.” Hence, I've doubled the length of my vacations and trips. Then when I travel I spend half the time working. It's better than fighting the demands of work while I'm gone, or not travelling at all. This system works best if you go to just one or two places rather than travel around from place to place. In the latter case you will constantly search for a wifi signal, though you can also create your own through your cellphone wherever you go. In that case, you still need to set up your equipment every time and stay within range of a good cellphone signal. This worked fine when I travelled for a week in Rwanda. African cellphone service works much better than African landlines and, in many areas, American cellphone service.

OFFICE ADMINISTRATION

45. Checklists. For deals and for administrative work in running a business, make and use checklists. If you do something for the first time, write down the steps you take. This is a learning opportunity that will produce greater efficiency later. Take advantage of it. Whether setting up a new client or coordinating the signing of a purchase and sale agreement, or doing anything else, you'll usually do a better job if you've

written down the steps from prior experience. And as you do the same thing again and again, go back and revisit the checklist. What did you miss? What can you clarify? What's in the wrong order? Some experts say checklists shouldn't have too much detail—they should just cover the main points and jog the user's memory about the rest. I don't really agree. I prefer completeness even if it means complexity. But then I'm a lawyer.

46. Filing. Maintain complete electronic files. Don't send anything out of the office without scanning and properly filing it in an online filing system. "Properly" means giving it a name that will help you find it later--with no typos or abbreviations, and as many proper nouns as possible--and saving it in the right folder. If you don't do that, you might as well throw it away. You can be sure that whatever you don't file (or effectively throw out by misfiling) will be the one thing you really need later.

47. Office Procedures Manual. Once you establish procedures, write them down, for several reasons. First, you're giving everyone, including yourself, a reference point, something everyone should ideally keep in mind. Second, and just as important, the process of writing down your procedures forces you and your staff to think them through and identify exactly how they should work. Third, if your staff ever has any downtime, it can be well spent updating and reviewing the office procedures manual, because procedures do change over time. It's also good training. Fair warning: if you are still in a large firm you may be considered bizarre if you have an office procedures manual. The fact that I had such a thing at a former firm so enraged the managing partner that I thought it only appropriate to officially dedicate the office procedures manual of Joshua Stein PLLC to that individual.

48. Organization and Neatness. Keep things organized and neat. This helps you find things when you need them. Any office has vast numbers of little things that you need to be able to find when you need them (staples, tape measures, notecards, stamps, sticky things, binder clips, other clips, etc., etc.). I try to put most of these in uniform plastic boxes, each with a printed label. The boxes cost less than \$2 apiece, and the labeler is about \$50, so for well under an hour of billable time I can pay for an entire organizational system. It's worth it just for the Zen-like calm it can help produce, if I follow my own rules, which I don't always do. More generally, clean as you go. If something is in the wrong place or you're done with it, put it in the right place. If you see a mistake, fix it. If you see something filed incorrectly, correct the problem.

49. Procedures. Set up good ways to do things. Then follow them consistently even when you don't really need to. This will minimize mistakes and confusion, maximize training and consistency, and let you spend time on more important things. If you aren't consistent about following intelligent procedures, once established, then chaos will assert itself quickly. As a result, you may need to try more than "strictly necessary" to enforce consistent procedures. For example, if someone cuts a corner, tell them to go fix it even if it did no harm. It's not about cutting that particular corner; it's about getting it right the next time and communicating that you care about consistency and correctness. I had a lot of trouble with this principle at first. I've always hated bureaucratic organizations that insist on doing things a certain way even if it doesn't seem necessary. Now I've learned why they do that. But I also try to season that knowledge with a willingness to question and possibly change a procedure when it doesn't work right or make sense. I'm

not in a hurry to do that, though. Merely changing how you do something assures you will have mistakes, inconsistencies and transitional problems.

50. Template Documents. If you use documents repeatedly in your practice, develop or obtain good templates and then improve them through use. Do it as soon as a deal closes. Run a redline from your template to the closing document. Circle the “good” changes. Let your staff update the template by making all the “good” changes. Try to have just one template for each document—or possibly two, a “long” form and a “short” form. If you have more than that, they will become inconsistent over time.

These lessons have worked well for me for five years. Without doubt, anyone smart and experienced can come up with many more.

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