

Series on
Wisdom, Wealth,
Wine, and
Wellness
for
TCBA Section on
Solo and Small Firms

WISDOM Series Part 1:
Practice Management
Tools to Working
Smarter, not Longer
Fall 2017

Chair – Joseph Horn, Presenter

Vice Chair – Robert Leonard

Secretary – Sue Allen

TCBA Liaison – Sherry Jones

Joseph P. Horn, Presenter

817.935.8899, www.Horn.Solutions

Mr. Horn is a Distinguished Mediator, as ranked by the Texas Mediation Credentialing Assn., and specializes in financial, family, and business mediations. He mediated cases in in the U.S. House, consulted for the World Bank Group, and has served on mediation panels in DC and Texas. He has spoken at national conferences on dispute resolution.

Mr. Horn advises attorneys and small businesses on setting up their own financial and business plans, designing and facilitating law practice advisory committees, and acting as a coach, coordinating their subadvisors. He holds Texas insurance and other licenses.

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Game Plan for Solo & Small Firm Section 2017

Wisdom – practice management skills and business development (Sept. 19 - Petroleum Club)

Wealth – how to setup and protect your practice (business, goal, and financial planning) (Oct. 10 - Petroleum Club)

Wine – enjoyment, family fun, entertainment (Flamenco by renowned Daniel de Cordoba Spanish Ballet troupe!) (Nov. 11 - La Puertita, across Joe T's)

Wellness – mindfulness, improve focus & concentration, life-work balance, exercise tips, and manage stress (Jan. 6 – TCBA Offices)

Combining All W's: Attorney Cross-Coaching / Dream Teams - organizational meeting on incorporating the four W's in your practice (Tentative Oct. 25 –TCBA Offices)

WISDOM, WEALTH, WELLNESS, & WINE

Why are we doing this? The recent survey of our members indicates that while you are, overwhelmingly, satisfied with your practice of law, you want more practice management and business development programs, networking opportunities, and expansion of this group.

In addition to the survey, in considering the direction of our programs, we took note that attorneys in the U.S. have suffered from burnout, high divorce rates, economic pressures caused by the changing nature of the “business of law,” a low tolerance of failure, the adversarial nature of litigation, our self-generated tendency towards protectionism, difficult clients, high-stake cases, chronic illnesses, stress (our occupational hazard), substance abuse, disciplinary actions, and suicide.

What shall we do about it? We seek to address these symptoms by attacking the causes. We believe that we can help lawyers overcome isolation and build supportive relationships with each other, enhance their practice management and business development techniques to improve profitability, reduce burnout, and mindful work/life balance. Again, this is no cure-all, but we believe it will help.

Who? We - can share knowledge and engage in ways to strengthen our community.

Section 1 - Practice Management TIME MANAGEMENT



FEEBACK FROM TOP ATTORNEYS ON WHAT MAKES THEM SUCCESSFUL

HARD WORK (But, we all "work hard." Wise time-management helps us work smarter.)

SPECIALIZE (They become experts in their practice area.)

BAD CLIENTS (They are willing to say "NO" to taking them.)

RETURN PHONE CALLS (They are always accessible.)

HELPFUL (They are eager to help, but maintain boundaries.)

EMPATHY and GRATITUDE (They encourage and lead by this.)

CENTERS OF INFLUENCE (They are COIs and have COIs.)

FEEDER BUSINESS (They find a niche that can feed business.)

IMPORTANT

NOT IMPORTANT

URGENT

NOT URGENT

QUADRANT 1 - MANAGE

- REAL FAMILY/WORK CRISES
- CASE & OTHER DEADLINES
- MEANINGFUL MEETINGS
- LAST MINUTE PREPARATIONS
- PRIORITIZE MUST DO'S

QUADRANT 2 - FOCUS

- PLANNING & OPPORTUNITY
- PROBLEM AVOIDANCE
- RELATIONSHIP BUILDING
- SPIRITUAL DEVELOPMENT
- EXERCISE & SELF-CARE

QUADRANT 3 - AVOID

- SOME PHONE CALLS AND EMAILS
- NOT YOUR EMERGENCY
- SHALLOW RELATIONSHIPS
- PRESSING MATTERS WITHOUT SUBSTANTIVE IMPACT
- CO-DEPENDENT SITUATIONS

QUADRANT 4 - LIMIT

- PROCRASTINATING ACTIVITIES
- EXCESSIVE TV, WEB, & SOCIAL NETWORKING
- TIME WASTERS
- BUSY / TRIVIAL WORK
- DESTRUCTIVE HABITS

IMPORTANT

NOT IMPORTANT

URGENT

NOT URGENT

Section 2 - Practice Management COMMUNICATION WITH CLIENTS AND FORMER CLIENTS



**FIRST
IMPRESSIONS:
THE CONSCIOUS
VERSUS THE
SUBCONSCIOUS**



**People makes judgments
about you within
fractions of a second**

Called “thin slicing”

**You may not get a
second chance**

YOU JUDGE OTHERS AND OTHERS JUDGE YOU BEFORE A WORD IS SAID!

1. TRUSTWORTHY

2. HIGH STATUS

3. SMART

4. DOMINANT

5. SUCCESSFUL

6. ON WAY TO TOP/PROMOTION

7. ADVENTUROUS

8. AGGRESSIVE

9. RELIGIOUS

10. EXTROVERTED

11. COMPETENT LEADER

12. CONSCIENTIOUS

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12 THINGS PEOPLE DECIDE WITHIN SECONDS OF MEETING YOU

1. If you're trustworthy.



2. If you're high-status.



3. If you're smart.



4. If you're dominant.



5. If you're successful.



6. If you're on your way to a promotion.



7. If you're adventurous.



8. If you're aggressive.



9. If you're religious.



10. If you're extroverted.



11. If you're a competent leader.



12. If you're conscientious.



Most clients don't sue people they like. Try to be the attorney your client respects by earning their trust, actively listening, and communicating regularly on legal/business matters... and remember too, first and later impressions matter.



Section - 3

Practice Management

MANAGING REPUTATION AND STATE BAR ADVERTISING REQUIREMENTS



ADVERTISING AND TEXAS BAR RULES WEBSITES AND LINKEDIN

Websites, LinkedIn, AVVO, and other Ad sites that contain puffery, 'best attorney' ratings, names of clients represented, and other *quality* statements, will likely require Texas Bar Ad Review.

Ad Review application is \$100.00. Review is good until *substantive* changes are made. For example, an "endorsement" on your website, LinkedIn may qualify as a "substantial change," requiring Ad Review.

If you are found noncompliant, then there is a \$250.00 penalty, plus \$100 Ad Review charge, for each website, LinkedIn, or ad violation.

Visit www.TexasBar.com/AdReview.

ATTORNEY JOINT REPRESENTATION AND OFFICE SHARE ARRANGEMENTS

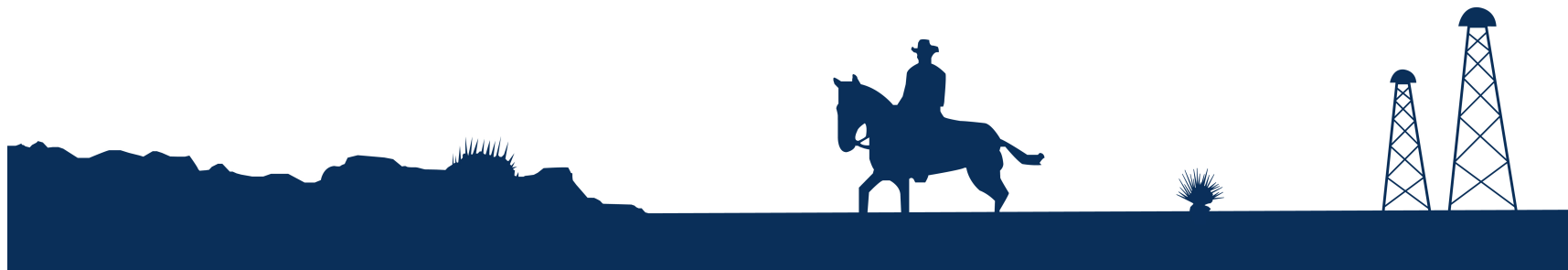
If no attorney regularly staffs your law office for at least three days a week, you must indicate on website “By Appointment Only.”

Business cards, brochures, and similarly printed materials are generally exempted from the Ad Review Rule. See, 7.01(E)(5-8).

“Office Share Arrangements” require *real* separation in signage & practice (FYI, client signing a representation agreement acknowledging separation is not enough). All may have joint liability.

“Of Counsel” requires continuing and substantial relationship. DR 2-107(A). If not, then likely “Ad Hoc Joint Work,” requiring client consent to each “joint” attorney. TDRPC 1.04.

Section 4 - Practice Management REFERRAL MANAGEMENT SYSTEM



**Develop
Centers of
Influence**
(Quality
relationships with
connectors)



LAW OF REFERRALS & INTRODUCTIONS

Be referable

Always express gratitude for referrals Give and ask for referrals

Best referral is by introduction

Remind people your business is “by referral”

Differentiate yourself

Know your value proposition

Section 4 - Practice Management

CREATING A PRACTICE THAT CREATES ONGOING, FUTURE VALUE



IDEAS FOR BUSINESS “RELATIONSHIP” STRATEGIES CAN CREATE GOOD WILL AND SUCCESSION VALUE

Consider offering “free” informal, annual reviews for qualified clients (friends, people with whom you like to do business, and those who are good sources of referrals).

Develop relationships via a PROCESS  GOOD WILL.

LinkedIn – post “informational” articles, but if they mention or allude to you, then may require Texas Bar Ad Review.

Informational newsletters – always be relevant. Unless you want to publish, it is easier to use a newsletter service.

Client appreciation events, holiday party, or other gathering.

Assemble an Advisory Board.

Section - 5

Practice Management

TOP TECHNOLOGY CONCERNS



PROTECTION OF HIGHLY SENSITIVE INFO

Encryption – while the Texas Bar does not expressly require it, use of unsecured or unencrypted email is discouraged.

HIPPA – attorneys who, as part of their representation, have access to protected health information, are treated as “business associates” under HHS rules, meaning subject to HIPPA privacy and security rules. See, <https://www.hhs.gov/hipaa/for-professionals/covered-entities/index.html>.

Disaster plan – how is your data backed up?

Enquire where clients are receiving info – do not send documents with sensitive information to them, where they are at a public computer.