

Law Practice Management

Law 924 – Fall, 2019

Professor Deana Pollard Sacks

Classes: Mondays and Wednesdays, 3:00-4:15 PM, Room 105

Office Hours:

Mondays & Wednesdays: 2:00 - 3:00 PM & 4:15 – 6:15

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Email: DeanaPollardSacks@gmail.com (please text me to let me know if you send an email so that I will check my email)

Course Materials:

1. Introduction to Law Practice: Organizing and Managing Legal Work, by Gary Munneke (4th edition, 2013).
2. How To Start And Build A Law Practice, by Jay Foonberg (ABA, 6th edition 2016 available online only – to get 50% off, go to www.foonberglaw.com and at the checkout page, enter the code LAWSTUDENT2018).
3. Some law review articles and other articles that are available online may be assigned.
4. Some documents will be provided to the students.

Suggested Additional Reading – for your benefit.

1. Dale Carnegie, How To Win Friends And Influence People (basic communication strategies for getting what you want in business).
2. Kenneth Blanchard & Spencer Johnson, The One Minute Manager (basic time-management and employer skills).
3. Materials and Cases on Law Practice Management, by Thomas McKnight Steele (Lexis Nexis 2004) (ISBN 9780820553474).
4. Weil & Brown, Civil Procedure Before Trial, Law School Edition (The Rutter Group, A Division of Thomson Reuters, 2014) This book is highly recommended if you plan to open up your own firm. Although it is written in California, it is an outstanding step-by-step practice manual that teaches people how to practice law. It is useful generally for strategy and procedure, and you can find the Texas forms and procedures easily if you know what you are looking for.

COURSE DESCRIPTION & OBJECTIVES: Students will be introduced to basic concepts of law firm management, common problems, and solutions. Student outcomes include: understanding the business of practicing law and the importance of a very organized and low overhead office; obtaining skills for organizing files, handling

finances, and minimizing accounts receivables; knowing how to develop business and to keep good clients; and gaining communication and interpersonal skills to handle employees, clients, and the people involved in the court system. Stress management and drug and alcohol abuse among lawyers will be discussed. In addition, students are expected to understand how the practice of law has changed over the past century and, in particular, over the past quarter century based on the popularity of the internet and social media.

COURSE GRADING: The final grade is based on: **90% final paper & 10% class participation.** The final paper will be a business plan **or** a 5000 word paper on a topic to be authorized by Professor Sacks no later than November 1, 2019. **The plan or paper is due on the last day of class and must be delivered in hard copy form during the last day of class.** You may use names or exam numbers. **There is a full letter grade reduction each day the paper is late (unless excused).**

Class participation points are given for offering insightful comments during class demonstrating that you have read and analyzed the assigned materials or done independent research online and brought your results to share in class.

CLASS ATTENDANCE: The ABA requires class attendance, and attendance will be taken daily. Please refrain from entering or exiting the classroom during class time.

SEATING POLICY: Please decide where you would like to sit during the first few days of class and keep that seat for the semester. This allows me to create a seating chart and learn your names so that proper credit can be given for class participation.

A.D.A. STATEMENT: Texas Southern University is bound by the Americans with Disabilities Act. Please submit A.D.A. documentation to the law school administration (Dean Mouton) during the first week of classes or as soon as possible.

READING ASSIGNMENTS¹

<u>Class date</u>	<u>Reading assignment</u>
August 19, 2019	Introduction to LPM. No reading assignment. Discussion about course content, grades, outcomes, and students' goals.
August 21, 2019	Handout on IOLTA accounts, discussion about handling client funds. Read Munneke, pp. 1-15. <i>Were his predictions correct? How competitive is the practice of</i>

¹ The syllabus is necessarily flexible in this class. Some guest speakers are not confirmed. You will need to attend class regularly to keep up on exactly where we are with the syllabus, as how quickly we get through the materials depends on the amount of student participation, when guest speakers can be scheduled, and so forth. **You are responsible for keeping up with the reading and being prepared to participate in class, even if we do not stick exactly to the syllabus.** You may contact me anytime with any questions concerning the syllabus or assignments.

law today? What are the main components to create success as a lawyer?

August 26, 2019:

Guest speaker and TMSL graduate, Tim Rose.

Unit 1: Substance Abuse and Stress Management

August 28 &

September 4, 2019

(No class Sept. 2 – Labor Day)

Substance abuse/stress management. Why is practicing law so stressful? How can you organize your office to reduce stress? Lawyers have high rates of substance abuse. Why is this? How can a habit or addiction be broken?

Read Patrick Krill, Ryan Johnson & Linda Albert, *The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys*, Journal of Addiction Medicine, Jan/Feb. 2016, Vol. 10, Issue1, pp. 46-52 (2016) (available online, https://journals.lww.com/journaladdictionmedicine/Fulltext/2016/02000/The_Prevalence_of_Substance_Use_and_Other_Mental.8.aspx). (Focus on Discussion and Conclusions sections).

Watch **Kevin McCauley's** documentary, "**Pleasure Unwoven**," which gives a detailed scientific analysis of addiction and how to break addiction.

Unit 2: Marketing

September 9, 11:

How to get clients and market your business. Read Munneke, 142-157, Foonberg pp. 190-210. Come to class ready to discuss how to find clients. We will discuss how to develop business through advertising, networking, publishing in trade journals, and speaking at CLEs or conferences, as well as the boundaries of legitimate advertising. **Take a look at** www.abajournal.com and run some searches for marketing or just see what is available to you online. Also see **Solosez**, which is a section of the ABA that caters to solo practitioners. You may find these articles of interest: Margaret Graham Tebo, "50 Ways To Market Your Practice," ABA Journal (October, 2007), available at http://www.abajournal.com/magazine/article/50_ways_to_market_your_practice/. **Read** "Websites for Attorneys," produced by HG.org Legal Resources, available online at

<http://www.hg.org/lawfirm-website-design-tips.html>. Read “Marketing your law firm with social media,” produced by Lawyers USA, available online at <http://lawyersusaonline.com/free-white-paper-marketing-your-law-firm-with-social-media/>. *You may also find your own sources of marketing information by searching the ABA website or other online sources for attorneys – and please come to class prepared to share your thoughts on marketing.* Please come to class ready to discuss the marketing ideas presented in these articles and/or articles you find on your own online, and also be prepared to discuss how Facebook, Twitter, LinkedIn and other websites can help you to grow your law business.

Unit 3: The Basics of Handling a Case

September 16-18, 23

Some court documents will be provided. How do you decide whether to take a new case? Where do you start to find the law and to prepare pleadings? How do you use a complaint or an answer to create a response, a set of interrogatories, requests to produce documents, or deposition questions? How do you create a witness list? Why should you create your trial binder at the beginning of a case?

Unit 4: The Attorney Fee Contract

September 25, 2019

The Engagement Letter and Setting Your Fees. Read Munneke, pp. 161-171 & Foonberg pp. 320-372. What are the necessary components of an attorney-client fee agreement? How do the components differ for contingency fee agreements versus hourly fee agreements?

Unit 5: The Business Plan

September 30, 2019
& October 2, 2019

Components of a business plan and its use. Read Munneke 288-291, Foonberg 97-102. How to create a plan that will assist you, your partners, and your bank. Contents of a business plan, and recommended attachments to the plan (for the bank). *Discussion of any student’s plan who would like class input.*

Unit 6: Managing Clients

October 7 & 9, 2019

Identifying good clients and creating and maintaining good client relationship, avoiding conflicts, and handling difficult situations. Read Munneke pp. 158-161. Foonberg 211-315. Being in articles from ABA or Solosez and share for class participation credit.

Unit 7: Organizing and Managing Your Firm

October 14, 16, 21, 23, 2019 **Organizing and managing your firm's practice for efficiency and professionalism.** Read Munneke 211-237, Foonberg, Part VI 412-619 (Note that pages 518-527 will be discussed separately, under Risk Management). Time management is critical, and depends on how your office is organized and how business is managed day to day.

Unit 8: Ethics

October 28 & 30, 2019

Avoiding ethics issues and disciplinary complaints. Read Foonberg, Part VII, 671-693. We will discuss practical ways to avoid the most typical problems that arise in the practice of law.

Unit 9: Maximizing Receivables

November 4, 2019:

How to keep track of your time and create fee bills that get paid. Information will be provided in class.

Unit 10: Managing Your Staff and Creating a Good Work Environment

November 6, 2019

Managing employees and creating harmony in the work environment. Munekke, 190-210. The One Minute Manager is helpful here. *Please take a few minutes to go online and take at least one Implicit Association Test, preferably on gender or race. Google "implicit association test" to get to the Harvard test-taking website.* How to communicate with your staff and avoid time-consuming personnel issues. How to avoid legal problems in the hiring process, and how to terminate employees on good terms.

Unit 11: Risk Management

November 11, 2019

Risk management and professional liability insurance. Read Foonberg, 518-527. We will discuss strategies for reducing the risks inherent in running a law practice and how to determine your insurance needs/what to look for in an insurance policy. You may find useful information at

<http://www.tlie.org/insurance/index.php> re: purchasing malpractice liability in Texas.

November 13, 18, 20
& 25, 2019

Reserved for guest speakers. One reserved class may be used to watch 12 Angry Men, about jury deliberations.

November 25, 2019

Papers or business plans are due in class.

Syllabus LPM 2019.doc