LAW PRACTICE MANAGEMENT (LP310)
SYLLABUS

Instructor: David Russman
Telephone Number: 617-947-2872
E-Mail: drussman@russmanlawfirm.com
Class Day/Time: Thursday, 6:00 PM – 7:40 PM
Credits: 2

Course Overview and Objectives

Law Practice Management teaches students how to set up and run a small law firm or a solo practice; however, the skills and lessons learned in the class are transferrable to any law practice, large or small. The class focuses on what is needed to launch your practice, how to generate business, how to actually handle the substantive work, how to manage clients, how to deal with opposing counsel, how to fire a client. The class also discusses law firm economics, which is critical to understand, whether you are hanging your own shingle or working for someone else. Ethical considerations and malpractice traps in the context of the day-to-day practice of law are weekly themes. Additional elements of a law practice that are examined include 1) forming a business plan; 2) incorporation/partnership, employment/independent contracts; 3) insurance; 4) tax liabilities, annual and other filings and deposits, IOLTA; 5) space; 6) equipment; 7) management; 8) rainmaking and networking; 9) computer software; 10) banking: client funds, trust accounts, operating accounts, conveyancing accounts, IOLTA requirements; and 11) marketing and advertising. Former and current practitioners are guest lecturers, and in the past they have included a disbarred lawyer to speak of his ethical mis-steps, bar counsel from the Office of Bar Counsel, a panel of seasoned practitioners, representatives from LOMAP and LCL. The course also involves a “shadowing” program, where students are matched with local practitioners based upon substantive law and geography. Each student meets with a local practitioner to discuss his or her practice and start to build the student’s network.

Coursework Requirements

Assignments and Final Business Plan: 100 percent

Participation: If you participate thoughtfully and consistently throughout the semester, you will get an additional one or two points added to your final grade (depending on the frequency and value of your participation).

Attendance: Since the class only meets once a week, showing up is paramount. One absence during the semester will be excused. Each absence after that will lower your grade two points.
**Text and References**

Required Text: *Solo by Choice – How to Be the Lawyer You Always Wanted to Be*, Decision Books, Carolyn Elefant (2011-12)

Another book that you might find helpful, **though it is not required for this class**, is *How to Start and Build a Law Practice – Platinum Fifth Edition*, Jay Foonberg (2004).

**Academic Integrity**

Written work must be your own, unless cited properly. As a member of a learning, academic community, all work must be done in good faith. Academic dishonesty of any kind will not be tolerated.

The written assignments are not due until after we discuss that topic in class. For example, the *Executive Summary* referenced in week one is to be worked on after our first class. The reading assignments, however, should be read before class if possible.

As far as turning in the written assignments, I do not need to see each component of the business plan as you work on it, though I am happy to review any or all of it throughout the semester. Rather, the business plan in its entirety is due the last class. As far as the other written assignments such as the shadowing memorandum and the sample fee agreements, those too do not need to be handed in until the last class, though I am happy to review them throughout the semester if you want feedback.
SEMESTER OUTLINE

Week 1 (8/25/16)

Join TWEN!

The Solo Practice Playbook
- Are you ready to start your own law practice
- Pros and cons
- Personality of the solo
- Teaming up with others
- Lawyering on the side

The Business of Being a Lawyer and the Business Plan
- What is a business plan
  - Executive summary
  - Finances
  - Legal services
  - Market analysis
  - Strategy and implementation
  - Management and personnel summary

Shadowing
- Matching with a local practitioner
- No more than 1 single spaced page

Written assignment: Write a one-page Executive Summary. This is the first page of your business plan. It should articulate the mission and objectives of your new firm.

Reading assignment: Elefant: Chapter 1 through Chapter 3
LOMAP Start Up Kit: Essentials for Success, on TWEN. (LOMAP is a great resource, and this booklet walks you through a business plan. Each week’s reading assignments will not reference this booklet, but you should consult this booklet throughout the semester and as you are working on your business plan.)
Week 2 (9/1/16)

Launching: It Takes a Village
- Start-up costs
- Forecasting revenue and monthly expenses
- Do the math

What type of business entity: Peter Demuth

Written assignment: Prepare the financial picture for your business. This should include the start-up costs that you anticipate and the monthly expenses that you anticipate going forward.

50 Ways to Leave Your Law Firm by Roger Geller
Elefant: Chapter 4 and Chapter 5

Week 3 (9/8/16)

Launching: It Takes a Village (continued)
- Start-up costs
- Forecasting revenue and monthly expenses
- Do the math

Leaving a firm to go solo

Written assignment: If there are topics that you missed regarding your firm's financial picture, revise and supplement it. Also add to your plan the type of business entity you will be, why, and how you will create it.

Reading assignment: Elefant: Chapter 6 and Chapter 7
Sample malpractice questionnaire and renewal application, on TWEN
Week 4 (9/15/16)

**Now what? Waiting for the phone to ring**
- Marketing and getting the word out
- Distinguishing your practice from others
- Networking
- Ethical concerns

**Written assignment:** Write a marketing analysis and plan for your Business Plan.
**Reading assignment:** Elefant: Chapter 14 and Chapter 15

Week 5 (9/22/16)

**Prospective client calls**
- How to reel the client in!

**Reading assignment:** Elefant: Chapter 16 and Chapter 17

Week 6 (9/29/16)

**The fee structure**
- Various types and when to use them

**Written assignment:** Draft three types of agreements: A standard hourly fee agreement, a contingent fee agreement, a blended fee agreement, a flat fee agreement or some other type of agreement. I do not care which three you choose, but please draft three.

**Reading assignment:** Elefant: Chapter 11

Various fee agreements, uploaded on TWEN

Week 7 (10/6/16)

**Role-Play: Steve Brooks**
- Interviewing the client
- Client interviewing you
- Who would you hire?

**Reading assignment:** Elefant: Chapter 10
Week 8 (10/13/16)

How to bill

Other ways to make money

Written assignment: Write a management plan, which should include ideas about personnel that you might use, how you will use them and when you will use them.

Reading assignment: Elefant: Chapter 8 and Chapter 9

Is There Such a Thing as an Affordable Lawyer, on TWEN

Week 9 (10/20/16)

Bar Counsel

Week 10 (10/27/16)

No class

Week 10 (11/3/16)

(This class will meet from either 2 until 3.40 or from 6 until 7.40. It will be recorded and attendance will not be taken.)

Sometimes the best case is the one you pass on

- When to not take it and how to handle that

Learning the substance

- You tricked them into hiring you. Now what?
- Resources to rely upon

Getting out: How to do it properly

Staying organized

Working with the client

Suing the client for a fee

Written assignment: Write the strategy and implementation section of your Business Plan, and write the portion of your Business Plan that addresses the legal services that you will provide and how you will distinguish yourself from others.
**Reading assignment:** *Elefant:* Chapter 18  
*Elefant:* Epilogue and Appendix  
*This is Law School?* on TWEN  
*Elefant:* Chapter 12 and Chapter 13  
*Non-Engagement Letter,* on TWEN

**Week 11 (11/3/16)**

**Disbarred Lawyer Discussion:** Ross Annenberg

**Week 12 (11/10/16)**

**Panel Discussion:** Jane Freedman, Steve Gurdin, Mike Joyce, Damon Seligson

**Week 13 (11/17/16)**

**Balancing and managing the stress**

**Work-Life Balance**

**LCL speaker / LOMAP / Social Law**

**Other ethical considerations**

**Miscellaneous**
- Paying yourself
- Paying vendors
- When to hire someone

**Reading assignment:** *Work-Life Balance,* on TWEN

**Week 14 (12/1/16)**

**Meet and greet**

**Written assignment:** *Your Business Plan is due along with your Shadowing Memorandum and the three fee agreements. The plan should detail the creation of a start-up, independent law firm where you are the principal. PLEASE BRING ME A HARD COPY OF THOSE DOCUMENTS.*