Law Practice Management Best Practices Checklist

LCL | Mass LOMAP

The purpose of this best practice checklist is to help you identify areas to implement best practices in your law firm. Please take a few moments to review all of the questions and note any areas you would like to discuss more thoroughly with a law practice advisor. We recommend that you discuss answers with all staff in the office to ensure that your actual office procedures are documented.

To schedule a Free & Confidential meeting with a law practice advisor, please visit MASSLOMAP.ORG/CONSULTATIONS.



CLIENT INTAKE AND ENGAGEMENT

	Yes	No	N/A
Do you use an intake form to collect important information before engaging in representation?	\bigcirc	\bigcirc	\bigcirc
At the onset of representation, do you ask the client how they want to be kept informed, note that information in the client file, and communicate those preferences to your staff?	0	0	0
At the onset of representation, do you establish communication guidelines?	\bigcirc	\bigcirc	\bigcirc
At the onset of representation, do you discuss expectations of both the client and attorney?	\bigcirc	\bigcirc	\bigcirc
At the onset of representation, do you discuss fees and billing procedures?	\bigcirc	\bigcirc	\bigcirc
At the onset of representation, do you introduce all team members to the client?	\bigcirc	\bigcirc	\bigcirc

FEE AGREEMENTS

	Yes	No	N/A
If a potential client does not engage your services or you decide not to represent a potential client, do you send a non-engagement letter?	0	0	0
Do you review with the client and enter into a written fee agreement that details the scope of representation?	\bigcirc	\bigcirc	\bigcirc
Do you enter into written contingent fee agreements using either Form A or Form B under Rule 1.5, or if using an alternative, explain the differences and obtain the client's written informed consent?	0	0	0
If providing Limited Assistance Representation (LAR), have you agreed with the client upon the limitations of scope and memorialized it in writing?	0	0	0

COMMUNICATIONS

	Yes	No	N/A
Do you have established telephone and email policies and procedures?	\bigcirc	\bigcirc	\bigcirc
Do you explain to all firm employees the critical importance of handling all calls and emails with professional courtesy?	0	0	\bigcirc
Do you return client and potential clients' phone calls and emails within 24 hours?	\bigcirc	\bigcirc	\bigcirc
Do you discuss the recommended course of action with clients at a time and place conducive to a good exchange of information and questions?	0	0	\bigcirc
When you speak to a client in-person or via telephone, do you record notes and attach those notes to the client's file?	\bigcirc	\bigcirc	\bigcirc
Do you send follow-up correspondence after a meeting or a telephone conversation in which new decisions have been reached?	0	0	\bigcirc
Do you have a system to notify clients of the results of motions on their cases and then document to the file?	\bigcirc	\bigcirc	\bigcirc
Do you follow up with clients at least every six weeks even when their cases are inactive?	\bigcirc	\bigcirc	\bigcirc
Do you ask the client for feedback as the matter moves along?	\bigcirc	0	\bigcirc

CONFLICTS OF INTEREST

	Yes	No	N/A
Do you maintain and update a master contact list of current clients, former clients, related and adverse parties, employees, and other individuals with cross references to files to facilitate researching possible conflicts of interest?	0	0	\bigcirc
Do you request information regarding other names (i.e. maiden, marital, aliases, etc.) that potential clients and adverse parties may have used in the past?	0	0	\bigcirc
Do you have a system to clear and document potential conflicts before proceeding with the client intake?	\bigcirc	\bigcirc	\bigcirc
Do you get a signed waiver from the client if representation is requested after a potential conflict has been discussed?	0	0	\bigcirc
Do you get a signed waiver from the client if representation is requested after a potential conflict has been discussed?	0	0	\bigcirc

CONFIDENTIALITY

	Yes	No	N/A
Do you make sure no client files or other confidential materials are ever left in reception or other areas available to the public?	0	0	\bigcirc
Are fax machines, copiers, and scanners located in areas that avoid exposure of confidential materials to persons not associated with the firm?	0	0	\bigcirc
If you are in an office sharing arrangement, have you take steps to ensure that client confidentiality is protected?	\bigcirc	\bigcirc	\bigcirc
While in public places or in the presence of third parties, do you avoid taking calls or otherwise talking with clients or about client matters so as to protect client identities and confidentialities?	0	0	0
Do you lock your office when you leave?	\bigcirc	\bigcirc	\bigcirc
Do you log off your computer when you step away?	\bigcirc	\bigcirc	\bigcirc
Do you have confidentiality agreements for cleaning services, contract staff, and computer maintenance vendors who have access to your computer systems?	0	0	0
Do all new employees sign a confidentiality form acknowledging they have discussed confidentiality with you, read the relevant Rules of Professional Conduct, and will not breach the confidentiality of any client during and after association with the firm?	0	0	0



RECORDS MANAGEMENT

	Yes	No	N/A
Do you have standardized filing system for all client files?	\bigcirc	\bigcirc	\bigcirc
Do you use consistently labeling and naming conventions for files?	0	\bigcirc	\bigcirc
Are all materials filed timely and regularly (i.e. files are not piling up on desk or floor?)	\bigcirc	\bigcirc	\bigcirc
Do you scan files to retain in paperless format at the close of a matter?	\bigcirc	\bigcirc	\bigcirc
Do you follow a file retention schedule after a case is completed (i.e. when to close, when to review for destruction, what to return to client, what to keep, and for how long)?	0	0	0
Does your fee agreement include a clause respecting data retention and disposition?	\bigcirc	\bigcirc	\bigcirc
Do you store current records in a secure area - safe from theft, water, fire, and vermin damage?	\bigcirc	\bigcirc	\bigcirc
If you maintain clients' social security numbers, financial account numbers, or state-issued identification numbers, do you follow the dictates of the Massachusetts data protection rules (MGL c.93H and 201 CMR 17.00)?	0	0	0
DOCKET / CALENDARING			
	Yes	No	N/A
Do you maintain a master electronic calendar shared among staff?	0	\bigcirc	\bigcirc
If individual calendars are kept, are those synced to the master calendar?	\bigcirc	\bigcirc	\bigcirc
Do the master calendar and individual calendars include all deadlines, statutes of limitations, appearances,	\bigcirc	\bigcirc	\bigcirc

all deadlines, statutes of limitations, appearances, meetings, and self-imposed deadlines? Do you always update the master calendar in case of

scheduling changes? Do you use reminders to draw attention to upcoming deadlines? \bigcirc

 \bigcirc

 \bigcirc

 \bigcirc

 \bigcirc

 \bigcirc

FINANCIAL MANAGEMENT, BILLING, and TIMEKEEPING

	Yes	No	N/A
Does the firm have a budget that is reviewed, at least, on an annual basis?	\bigcirc	\bigcirc	\bigcirc
Do you track expenses and cash flow?	\bigcirc	\bigcirc	\bigcirc
Do you maintain a business operating account, ensuring that you separate your personal and business finances?	\bigcirc	\bigcirc	\bigcirc
Is there a system of cash handling and accounting checks and balances in place (i.e. division of responsibilities)?	\bigcirc	\bigcirc	\bigcirc
Do you file tax returns and pay estimated taxes when due?	\bigcirc	\bigcirc	\bigcirc
Do you have documented timekeeping procedures and training for staff in those methods?	0	0	0
Is time recorded contemporaneously?	\bigcirc	\bigcirc	\bigcirc
Are all bills reviewed and approved?	\bigcirc	\bigcirc	\bigcirc
Are bills sent out on a regularly scheduled basis?	\bigcirc	\bigcirc	\bigcirc
Are all payments and credits posted to clients' files regularly?	\bigcirc	\bigcirc	\bigcirc
Are the accounts receivable evaluated and followed up on regularly?	\bigcirc	\bigcirc	\bigcirc
Do you use software for time, billing, and accounting?	\bigcirc	\bigcirc	\bigcirc
If you outsource bookkeeping, do you provide supervision to ensure accuracy?	\bigcirc	\bigcirc	\bigcirc
TRUST PROPERTY and TRUST ACCOUNTS			
	Yes	No	N/A
Are client trust funds kept in a bank trust account (IOLTA or "individual accounts") separate from your operating account?	\bigcirc	\bigcirc	\bigcirc
Is the trust account named or titled with words, such as "IOLTA", "Trust", "Escrow", that indicate the fiduciary nature of the account?	\bigcirc	0	\bigcirc
Are all advances for fees and expenses from clients deposited into trust?	\bigcirc	\bigcirc	\bigcirc
Do you keep only minimum funds (less than \$150) belonging to the firm in the trust account(s) and labeled at "attorney's funds" in your client ledger?	\bigcirc	0	\bigcirc
Do you only use prenumbered checks for withdrawals from the trust account?	\bigcirc	\bigcirc	\bigcirc
Are procedures in place to prevent withdrawals for cash or by automatic teller machine?	0	0	\bigcirc
Is a chronological check register kept for each trust account documenting details of each transaction, including the identify of the client matter?	0	0	\bigcirc



	Yes	No	N/A
Are individual client matter ledgers maintained?	\bigcirc	0	\bigcirc
Are bank accounts reconciled at least every 60 days?	\bigcirc	\bigcirc	\bigcirc
Is a "three-way reconciliation" performed on all IOLTA accounts at least every 60 days?	0	0	\bigcirc
Are all funds belonging to the attorney withdrawn from the trust account at the earliest reasonable time after the attorney's interest becomes fixed?	\bigcirc	0	\bigcirc
Are clients provided - on or before trust funds are paid to the attorney - an accounting of funds, written notice of the amount and date of withdrawal, and a statement of the balance of the client's funds in trust after the withdrawal?	0	0	0
Are all records related to trust accounts preserved for a period of at least 6 years after termination of representation and distribution of the property?	0	0	0

TECHNOLOGY

Yes	No	N/A
\bigcirc	\bigcirc	\bigcirc
0	0	\bigcirc
\bigcirc	\bigcirc	\bigcirc
\bigcirc	\bigcirc	\bigcirc
0	0	\bigcirc
\bigcirc	\bigcirc	0
\bigcirc	\bigcirc	\bigcirc
\bigcirc	\bigcirc	\bigcirc
0	0	0
\bigcirc	\bigcirc	\bigcirc
\bigcirc	0	0
\bigcirc	0	\bigcirc
	Yes 0 0 0 0 0 0 0 0 0 0 0 0 0	Yes No O O



	Yes	No	N/A	
Do you attempt periodic "restores" of data (to check if it works)?	\bigcirc	\bigcirc	\bigcirc	
Do you use a professional email address?	\bigcirc	\bigcirc	\bigcirc	
Do you have a system to archive your emails to and from clients?	\bigcirc	0	\bigcirc	
Is your email to clients regarding confidential communications marked "Confidential Privileged Communication"?	0	\bigcirc	0	
Do you encrypt communications when sending sensitive information over email?	0	0	\bigcirc	
MARKETING and BUSINESS DEVELOPMENT				
	Yes	No	N/A	
Have you done your marketing research to determine that a sufficiently robust target market exists for the services you want to sell?	0	0	0	
Do you have a clear brand statement that in 2 sentences explains the types of problems you solve?	\bigcirc	\bigcirc	\bigcirc	
Do you have a marketing plan to notify prospective clients of your brand?	0	0	0	
Does your marketing plan include networking with people, who are in your target market or connected to people in your target market?	0	0	0	
Does your marketing plan include steps to publish articles or blog posts where people, who are in your target market would see them?	0	\bigcirc	\bigcirc	
If someone had a problem that you could solve and searched online for information, would they find you?	\bigcirc	\bigcirc	\bigcirc	
Are you listed in any professional directories?	\bigcirc	\bigcirc	\bigcirc	
If someone did an online search for your name, would then be able to find your contact information easily?	0	0	0	
Do you advertise?	\bigcirc	\bigcirc	\bigcirc	
Do you respond to all inquiries from prospective clients and clients right away?	0	0	0	
Do you offer a (time-limited) free initial consultation?	\bigcirc	\bigcirc	\bigcirc	
Do you offer fixed fees?	0	\bigcirc	0	
Do you accept credit cards?	\bigcirc	\bigcirc	\bigcirc	
When appropriate ethically, do you text clients who want that?	\bigcirc	\bigcirc	\bigcirc	



	Yes	No	F N/A	age 8 of 11
If a prospective clients indicates a desire to hire you, do you send out an engagement letter within 24 hours?	\bigcirc	\bigcirc	\bigcirc	
Do you follow through on your word to do what you say you will do when you say you will do it?	\bigcirc	\bigcirc	\bigcirc	
Do you listen more than you talk before giving advice to your clients?	\bigcirc	\bigcirc	0	
Do you check-in with your clients at least monthly for feedback and to see if they have any questions?	\bigcirc	\bigcirc	0	
Does your invoice explain in detail what you have done for your client?	\bigcirc	\bigcirc	\bigcirc	
At the end of a matter, do you explain how you solved their problem?	\bigcirc	\bigcirc	\bigcirc	
At the end of a matter, do you ask for feedback?	\bigcirc	\bigcirc	\bigcirc	
At the end of a matter, do you indicate that you welcome and will take good care of referrals?	\bigcirc	\bigcirc	\bigcirc	
At the end of a matter, do you keep the door open with phrases like "I'll be in touch" or "I'm here if you need anything in the future"?	\bigcirc	0	0	
At the end of a matter, do you ask your clients if they would like to receive updates, articles, and notice of events of interest to them?	\bigcirc	0	0	
At the end of a matter, do you know how frequently your clients would like you to reach out to them?	\bigcirc	\bigcirc	\bigcirc	
Do you know how frequently each referral source would like you to reach out to them?	0	0	0	
MARKETING ETHICS				
	Yes	No	N/A	
Do you remain apprised of changes to the Massachusetts Rules of Professional Conduct on attorney advertising?	\bigcirc	\bigcirc	0	
Do you have a process for ensuring compliance with the ethics rules before advertising is released?	\bigcirc	\bigcirc	0	
Do all advertisements include the name of the lawyer(s) or firm?	\bigcirc	\bigcirc	\bigcirc	
If you advertise yourself as a certified specialist in a particular field of law, do you name the certifying organization and, if it is a private organization, do you include specific language as provided by Rule 7.4(c)(2)?	0	0	0	
Do you advertise on the Internet?	\bigcirc	\bigcirc	\bigcirc	
Does your website list your actual office address, identify lawyers associated, and provide jurisdictional limits of the practice?	0	0	0	
Do you include appropriate disclaimers online to prevent the inadvertent formation of an attorney-client relationship, provision of legal advice, and submission of confidential information?	0	0	0	I

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STAFF MANAGEMENT

	Yes	No	N/A
Do you have a current office policies and procedures manual and follow it?	\bigcirc	\bigcirc	\bigcirc
Do you train your employees when first hired as well as when major procedural changes occur?	\bigcirc	\bigcirc	\bigcirc
Do you offer your staff continuing education opportunities?	\bigcirc	\bigcirc	\bigcirc
Do you keep staff members informed and give them an opportunity to offer input regarding matters affecting them?	0	0	\bigcirc
Do you properly supervise employees by reviewing their work?	\bigcirc	\bigcirc	\bigcirc
Do you set a good example for staff by creating, implementing, and monitoring dependable office policies and systems (e.g., docket/work control, conflicts of interest, good documentation, etc.)?	0	0	\bigcirc
Do you express appreciation to employees for work well done and make sure any necessary criticism is shared privately, in a timely and constructive manner?	0	0	0
Do you encourage and motivate employees to take pride and ownership in their work?	\bigcirc	\bigcirc	\bigcirc
Do you provide support and assistance for staff members in the handling of disrespectful, rude, and otherwise out- of-line clients and others?	0	0	\bigcirc
Do you provide a "safe" office environment? This refers to both the physical space, as well as the office culture that allows for the questioning of work by anyone before it leaves the office without feeling like their competence is being challenged.	0	0	0
Do you delegate assignments with clarify of your expectations for the final product, including due date?	\bigcirc	\bigcirc	\bigcirc
Do you provide both positive and constructive feedback of actions to continue and actions to stop?	\bigcirc	\bigcirc	\bigcirc
Do you provide constructive feedback as close in time as possible to the behavior you want changed?	\bigcirc	\bigcirc	\bigcirc
Is your feedback clear? Does it specifically state the behavior or outcomes that you want?	0	0	\bigcirc
Are the outcomes you use in your feedback objectively measurable? Did you provide these criteria as part of your feedback?	0	0	\bigcirc



PROFESSIONAL PRACTICE and PLANNING

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	Yes	No	N/A	
Do you keep a current address on file with the BBO and pay your annual licensure dues?	\bigcirc	0	0	
Do you have malpractice insurance?	\bigcirc	\bigcirc	\bigcirc	
Do you regularly go to CLEs or other educational programs in your specialty?	\bigcirc	\bigcirc	0	
Do you have a designated backup attorney to manage your practice in your absence?	\bigcirc	\bigcirc	\bigcirc	
Is this relationship, including its rights and responsibilities, documented?	\bigcirc	\bigcirc	\bigcirc	
Do you keep records of all important firm data and account access information?	\bigcirc	\bigcirc	\bigcirc	
Does your backup attorney know how to access this information?	\bigcirc	0	\bigcirc	
MANAGING YOUR TIME, PROJECTS, and TASKS	Yes	No	N/A	
Do you complete work in a timely fashion and consistent with the expectations you've set with your clients?	\bigcirc	\bigcirc	\bigcirc	
Do you have concerns about time management or procrastination?	\bigcirc	\bigcirc	\bigcirc	
Do you have concerns about work-life balance?	\bigcirc	\bigcirc	\bigcirc	
Do you break down complex projects into smaller tasks?	\bigcirc	\bigcirc	\bigcirc	
Do you assign tasks to dates and times on your calendar?	\bigcirc	\bigcirc	\bigcirc	
Do you miss deadlines?	\bigcirc	\bigcirc	\bigcirc	
Do you maintain a daily updated "to-do" list?	\bigcirc	\bigcirc	\bigcirc	
Do you have more than 20 items on your "to-do" list?	\bigcirc	\bigcirc	\bigcirc	
Do you delegate enough assignments?	\bigcirc	\bigcirc	\bigcirc	
Do you know how to delegate and give feedback effectively?	\bigcirc	0	0	
Do you avoid planning?	\bigcirc	\bigcirc	\bigcirc	
Do you strive for perfection when unnecessary?	\bigcirc	\bigcirc	\bigcirc	
Do you differentiate between the important and urgent?	\bigcirc	\bigcirc	0	
Do you plan and set aside time for relaxation, time with family and friends, and exercise?	\bigcirc	\bigcirc	\bigcirc	
Do you schedule time for time management?	\bigcirc	\bigcirc	\bigcirc	



MANAGING YOURSELF and YOUR CAREER

	Yes	No	N/A
Do you know what your life and career goals are for the next 5 years?	\bigcirc	\bigcirc	\bigcirc
Do you know what to do to get a positive evaluation and/or promoted?	\bigcirc	\bigcirc	\bigcirc
Are the people, who you work with or work for you, delivering what you want and need?	\bigcirc	\bigcirc	\bigcirc
Do you make career mistakes and learn from them?	\bigcirc	\bigcirc	\bigcirc
Do you feel confident and not worried about appearing insecure?	\bigcirc	\bigcirc	\bigcirc
Do you know how to talk about yourself and project the brand image you want?	\bigcirc	\bigcirc	\bigcirc
Do you have difficulty convincing others to accept your ideas?	\bigcirc	\bigcirc	\bigcirc
Are you concerned that you intimidate people?	\bigcirc	\bigcirc	\bigcirc
Do you feel you are effective selling yourself to others?	\bigcirc	\bigcirc	\bigcirc
Do you know how to respond to changes in your industry or business?	\bigcirc	\bigcirc	\bigcirc
Do you know how to develop a strategic plan for your future?	\bigcirc	\bigcirc	\bigcirc
Are you satisfied with your life, career, and work?	\bigcirc	\bigcirc	\bigcirc
Are you aware of your emotions when they are happening and able to manage them to support your goals?	0	\bigcirc	\bigcirc
Are you concerned with the level of stress you experience?	\bigcirc	\bigcirc	\bigcirc
Do you have any concerns with how you handle or have recently handled stress in your life?	\bigcirc	\bigcirc	\bigcirc
Do you have a way of dealing with stress that does not have a negative impact on you or others?	\bigcirc	\bigcirc	\bigcirc
Do you have difficult relationships with individuals at work?	\bigcirc	\bigcirc	\bigcirc
Are you concerned with work issues affecting your relationships with family and friends?	\bigcirc	\bigcirc	\bigcirc
Do you find yourself unwinding in ways that make you feel uncomfortable?	\bigcirc	\bigcirc	\bigcirc

