



LPM PROGRAMS

AN INSIDE LOOK

By Stephen P. Gallagher

What have bar associations been doing to meet the diverse needs of solo and small firm practitioners? Many have found that offering some form of law practice management assistance is an important piece of the puzzle.

A number of practice management advisors from across North America have gotten to know each other through in-person meetings and online discussion. Several of them benefit from belonging to the National Association of Bar Executives. The ABA Law Practice Management Section has a Practice Management Advisors/State and Local Bar Outreach Committee, and there is also an ABA-hosted online discussion group for PMAs. Besides keeping in touch online, PMAs get together several times a year, including at NABE meetings and events such as ABA TECHSHOW. To get a sense of what LPM services bars are offering, I reached out online to this close-knit group of PMAs.

The PMAs who shared their thoughts with me were all from state bars. In my experience, it is more typical for a state bar than a local bar to designate a person or a department in charge of LPM. But that doesn't mean local bars leave solo and small firm lawyers hanging when it comes to this type of guidance. In many cases, local bars have such close relationships with their members that they deliver LPM assistance all the time, without necessarily giving it that name. At some bars, members feel perfectly comfortable calling the executive director for help.

And there have been several local bar LPM programs over the years, either offering a range of services that is comparable to the state bar programs, or selecting one or two areas on which to focus (for a closer look at local bar offerings, see "Law practice management and the local bar," page 15.) Also, last year, the American Immigration Lawyers Association became the first national specialty bar to begin offering these services.

History of LPM programs

The first bar association in the United States to actually hire an individual as a law practice management advisor was the Florida Bar in 1979, when the

board of governors was looking at funding an additional prosecutor for the bar's disciplinary staff. An analysis of the types of issues bringing errant lawyers into the disciplinary system revealed that the preponderance of problems emanated from a lack of education on how to effectively and efficiently run a practice. The board ultimately decided to devote some funds toward educating lawyers rather than spending additional funds on prosecuting them—an interesting shift in funding that proved to take bar associations throughout the country in an entirely new direction.

Indeed, some of the PMAs reported that one of their main objectives is to help solo and small firm lawyers steer clear of the disciplinary problems that can result from simple oversight or ignorance. The Louisiana State Bar Association's Law Office Management Assistance Program was established last year to "help lawyers increase the quality of legal services they provide to their clients as well as avoid potential disciplinary problems stemming from poor law office management," notes Eric K. Barefield, deputy practice assistance counsel.

In Nova Scotia, risk management and practice management are addressed jointly by the Lawyers' Insurance Association of Nova Scotia's Risk and

Practice Management Program, says PMA Deborah Gillis. Lawyers in Nova Scotia, 41 percent of whom practice in firms of 10 or fewer lawyers, benefit from having "a single point of contact" for risk and practice management resources, Gillis says.

Patricia Yevics has been director of the Law Office Management Assistance program for the Maryland State Bar Association since 1993 and has seen the emergence of many new programs over the years. She cautioned me about comparing LPM programs. "Often, we think all states and bar associations are the same, and what works in one state will automatically work in another," she says. "So many of the issues related with some of our programs are state- or bar-specific. Our states are not the same."

With that caution in mind, let's take an inside look at LPM programs offered at a few different bar associations.

Information and support

The number of bar-supported LPM programs has grown considerably in recent years. About half the directors are themselves former solo and small firm practitioners. The majority of the other program directors come from law firm administration, consulting services, or education.

Depending on the bar, the mix of

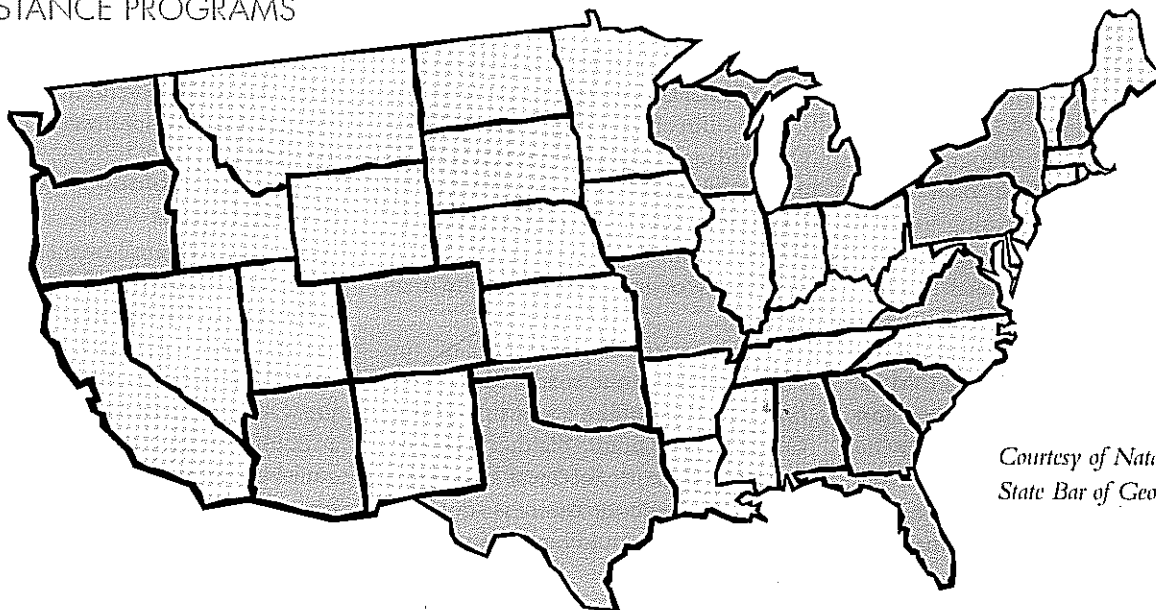
LPM offerings can include visits to the lawyer's office; programming at the state bar or the local bars; training centers, libraries, and other resources that are physically housed at the state bar headquarters; and/or telephone hotlines and online communities with links to articles, forms, and other documents that can be accessed from anywhere.

The Oklahoma Bar Association's Management Assistance Program is a good example of one offering a broad range of ways for solo and small firm lawyers to seek help. "Telephone calls to our hotline seeking either answers to specific questions or general advice continue to be one of our most popular services," says MAP Director Jim Calloway. "We also have a lending library and numerous online resources, including our 'Starting a Law Practice' Web directory. We offer free practice management-related CLE presentations for any of our county bar associations.

"We do offer on-site evaluations and consultations for reasonable fees and will give a free one-hour consultation in the bar center to any lawyer setting up a new practice."

Solo and small firm lawyers want information, notes J.R. Phelps, who has been director of the Florida Bar's Law Office Management Assistance Service since its establishment in 1980. That's

STATE BARS WITH PRACTICE MANAGEMENT ASSISTANCE PROGRAMS



*Courtesy of Natalie R. Kelly,
State Bar of Georgia*



A group of PMAs from across North America got together in Chicago at the ABA THECISELOW ILLIS March.

why LOMAS and PMA programs at other state bars offer such resources as “how-to” guides and office manuals; databases of articles on all aspects of practice management; impartial evaluations of office equipment; newsletters and periodicals with technology updates; and books at a discount from the ABA Law Practice Management Section.

The Florida Bar’s LOMAS also has a roster of services that are delivered in person. One of these is affordable one-day, on-site consultations for any bar member upon request. “Office consultations cover topics chosen by the firm and often include specific office concerns and issues such as: firm formations, law firm governance, mergers, personnel concerns, accounting practices, client management, marketing, staff education, filing and document management, software selection, space planning and facilities management review, law firm administration, automation, marketing, planning, and the connection between a professional attorney and a professionally run office,” Phelps says.

At the Washington State Bar Association, the Law Office Management Assistance Program pairs in-person assistance with online follow-up. “Lawyers participating in consultations are added to a confidential e-mail list to receive occasional practice tips,” notes LOMAP Director Peter Roberts. Roberts adds that many of the consultees are referred to LOMAP through the disciplinary diversion process, and that the modest fees for the consultations defray the bar’s out-of-pocket travel expenses.

Susan L. Traylor, practice manage-

ment advisor for the State Bar of Arizona’s Law Office Management Assistance Program, agrees that in-person communication is key to reaching solo and small firm lawyers. Together, she and two other PMAs log 1,000 miles per month providing on-site assessments and training and CLE programs to lawyers in both remote and metropolitan areas of Arizona.

Other ways to connect

But other bars have found that a PMA doesn’t necessarily have to travel in order to provide personalized service that makes a big difference. Courtney Kennaday, advisor for the South Carolina Bar’s Practice Management Assistance Program, does most of her consultation by telephone and says members appreciate being able to call the bar and “quickly get the answer from a live human being.” Many other PMAs report great success with a telephone hotline for LPM queries.

Each day, Kennaday talks with solo and small firm lawyers about ethical concerns, technology, forms, and personnel matters. “Sometimes, members just need to talk with someone to confirm that they are going in the right direction,” she notes.

Kennaday also teaches CLE programs, and sometimes, members approach her there to tell her what a “lifesaver” the PMA program was when they were first starting out. “You may make a huge impact on one person and not even know it,” she says.

Also based mainly at bar headquarters is Linda Oligschlaeger, membership services director at the Missouri Bar. Oligschlaeger is responsible for all aspects of member service but spends a lot of time assisting solo and small firm lawyers, as the bar estimates that about two-thirds of its members are in that category.

“Only a small percentage of my time is spent on the road because I do not do in-office consultations,” Oligschlaeger notes. “I do, however, develop programs for local bar meetings. We made a business decision years ago that I could be more produc-

tive by being in the office, rather than on the road, to be more readily available to our members.”

Oligschlaeger mainly consults by phone, and her department also produces CLE programming on practice management assistance topics. Each year, though, she has a chance to spend some time with many of the lawyers she has helped, at the bar’s popular Solo and Small Firm Conference (see “Solo but not alone: Bars seek to include solo and small firm practitioners,” page 8).

Like Oligschlaeger, many of the PMAs said one important way to reach solos and small firm lawyers is through local bars; by providing CLE and other programs throughout the state, the state bar PMAs are able to build important relationships with the local bars and also reach solo and small firm practitioners who might find it tough to get to state bar headquarters. For the PMA who travels only occasionally, this can be a way to add a bit of in-person contact to what remains a mostly telephone- and online-based program.

At some bars, outreach begins before a potential solo even enters practice. One important aspect of the Washington state bar’s LOMAP is partnering with law schools to provide basic information about how to start a practice and to introduce students to the range of self-help resources the program offers, Roberts says.

There is also support once a young solo enters practice, he adds: “The Lawyer to Lawyer program matches newer admittees directly with volunteer experienced practitioners who help to pass on those essential ‘lawyering skills.’”

Finding a focus

While solo and small firm lawyers tend to be heavy users of such services, Roberts is quick to point out that any bar member can take advantage of LOMAP’s offerings, regardless of firm size. Other PMAs, too, report playing to a double audience—balancing being available and relevant to all bar members, while realizing that solo and small firm lawyers are likely the ones most in

need of their services.

"When I first started working with the [Pennsylvania] Bar Association in 1999, I quickly identified the solo and small firm practitioners of the state as my primary target market," recalls Ellen Freedman, a consultant who works as the bar's LPM coordinator. "First, they represent 65 percent of our members. Second, they are the ones without their own resources, and therefore have greater need for assistance.

"Although I try to keep all members of the bar association in mind when I design seminars and write articles, I am constantly reviewing my work and resources with one question in mind: 'Will this be of significant help to a solo or small firm attorney?'"

In Maryland, Yevics finds that solos want to connect with each other, more so than connecting with her all the time. "LOMA focuses on getting members involved in helping themselves," she says. "Although I do provide a great deal of information to our members, our greatest value is in encouraging members to share their own knowledge and experiences."

Often, a program begins with a few concrete resources and then expands to include consultations and other hands-on services, whether delivered in person, online, or by phone. Louisiana's LOMAP may expand from its current offerings of a lending library and online resources to include more hands-on services, Barefield reports. In-depth consultations or reviews of lawyers' practices, online mentoring of new lawyers, and phone consultations are all under consideration, he says.

Help with technology

In an increasingly competitive and technology-driven marketplace, many solo and small firm lawyers need assistance with the software and devices they rely on every day. Traylor notes that much of the on-site assistance offered in Arizona involves software. Whether by voluntary request or through a disciplinary diversion or probation referral, the PMAs provide initial and follow-up assessments and

LAW PRACTICE MANAGEMENT AND THE LOCAL BAR

The 2005 edition of the *Bar Activities Inventory* from the ABA Division for Bar Services can help us take a closer look at law practice management services offered by local bars.

There are a few important caveats: First, the *BAI* is based on survey responses, so this data will not capture those local bars that didn't respond and may be offering LPM services. Second, some programs may have changed or folded between the time of the survey and the time of publication. And third, some respondents may have answered "yes" to services they offer in cooperation with their state bar. The survey did not ask whether the bars that responded had primary responsibility over the LPM services offered.

Still, the data is very useful in giving a picture of what's offered at local bars. Here are the local bars that answered "yes" to one or more of the questions regarding LPM offerings:

- Chicago Bar Association (23,000 members): General LPM services and LPM materials.
- New York City Bar (23,000 members): General LPM Services and LPM lending library.
- Houston Bar Association (11,500 members): General LPM services, computer assistance, budget and financial assistance, and LPM materials.
- Denver Bar Association (7,837 members): General LPM services, computer assistance, LPM materials, and LPM lending library.
- Bar Association of Metropolitan St. Louis (6,300 members): LPM lending library.
- Cincinnati Bar Association (4,100 members): General LPM services, computer assistance, LPM materials, and LPM lending library.
- Santa Clara County (Calif.) Bar Association (3,900 members): LPM lending library.
- New Orleans Bar Association (2,700 members): General LPM services and LPM materials.
- Queens County (N.Y.) Bar Association (2,200 members): General LPM services and computer assistance.
- Contra Costa County (Calif.) Bar Association (1,800 members): General LPM services and LPM materials.
- Macomb County (Mich.) Bar Association (1,300 members): General LPM services and LPM materials.
- Norfolk and Portsmouth (Va.) Bar Association (950 members): LPM lending library.
- Lee County (Fla.) Bar Association (850 members): LPM lending library.
- Lancaster (Pa.) Bar Association (747 members): General LPM services and computer assistance.
- Northampton County (Pa.) Bar Association (500 members): LPM lending library.
- Washington County (Pa.) Bar Association (315 members): LPM lending library. BL

training on trust account management, general practice management, and legal-specific software such as Amicus Attorney, Time Matters, and Abacus.

"We are definitely seeing an increase in use of technology by solo

lawyers," agrees Kennaday. "They recognize now that good law office technology is almost like having another employee to help you.

"I am finding that more and more
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LPM

(Continued from page 15)

solos are savvy about simple networking and many have at least one law office-specific piece of software. There is definitely a hunger for more information and more training, but I always hear that they don't have enough time for it."

Because they are unbiased toward particular products, PMAs can be

incredibly helpful in sorting out which products to buy, says Sheila M. Blackford, a PMA with the Oregon State Bar Professional Liability Fund.

"Solos' needs have been changing in the technology area," she says. "I believe they need guidance about technologies that can help them compete in a competitive legal market, serving the clients more efficiently and effectively so that they can make more personal contact

with their clients. PMAs are a very valued resource to them in this area. We are not out to sell them anything."

Some bars set up spaces in bar headquarters where members, often solo and small firm lawyers, can test or train on software. One such bar is the State Bar of Michigan, which established its Practice Management Resource Center in February of last year, in part to serve the 67 percent of bar members

ABA RESOURCES FOR THE PMA

If you're a PMA or simply want to help your members with law practice management, there are several ways the ABA can help you.

The ABA Law Practice Management Section is a leading resource when it comes to helping lawyers with the *business* of practicing law. It offers more than 90 publications (including *Law Practice* magazine), webzines, and CLE programs covering marketing, management, technology, and finance. ABA TECHSHOW, presented by the section each year, offers three days of CLE and two days of expo. The section will soon debut a discussion board where lawyers, PMAs, and other experts will be able to exchange information. Some of these resources are available to anyone, and others are only for section members, or are discounted for section members. Also of interest is the Practice Management Advisors/State and Local Bar Outreach Committee, currently chaired by Natalie R. Kelly, director of the Law Practice Management program at the State Bar of Georgia, for section members who are PMAs. For more information, visit www.lawpractice.org, or contact Jasamyn Benedict at (312) 988-5654 or benedicj@staff.abanet.org.

The ABA General Practice, Solo and Small Firm Division offers books, periodicals, e-publications, and CLE programs that deliver great information to pass along to your members who are solo or

small firm practitioners. The division's Solosez Listserv is billed as the ABA's most active e-mail list, with 2,500 solo and small firm lawyers discussing "everything from tech tips to what to wear to court." The division's Web site, www.abanet.org/genpractice, has a number of articles on all aspects of running a small law firm, and also has links to blogs and to bar association LPM programs. As with the LPM Section, there are some resources available to everyone, and others that are members-only. For more information, visit the division's Web site or contact the division at (312) 988-5648 or genpractice@staff.abanet.org.

The ABA Center for Professional Responsibility provides much useful information for PMAs and others whose mission involves helping members understand legal ethics, regulation, professionalism, and client protection. The CPR Web site, www.abanet.org/cpr/, has a number of great tools, including information on the ABA Model Rules of Professional Conduct and ABA formal ethics opinions, links to disciplinary agencies, and a state-by-state guide to additional resources. The center also offers consulting services, available to bar associations. Many CPR resources are available to all, but there are several members-only online tools, as well as committees, including a new one that covers ethics and technology. For more information, visit the Web site or contact the center at (312) 988-5325 or cpr@abanet.org.

The section, division, and center mentioned above are all open to nonlawyers who wish to join; this requires first joining the ABA as an associate member. To join the ABA, visit www.abanet.org/join/ or call the ABA Service Center at (800) 285-2221.

The ABA Web Store offers a special Bar Discount Program that allows you to buy ABA books at a 40 percent discount and then resell them to your members or add them to your LPM library or use them in your CLE programming. Books that might be of particular interest to PMAs cover general practice, solos and small firms, law practice management, and legal technology. For more information, visit www.abanet.org/store or contact Catherine Kruse at (312) 988-6112 or crusec@staff.abanet.org.

For information on resources that may be available from other ABA entities or from the National Association of Bar Executives, for assistance in finding articles and other tools, and to connect with resources from other state, local, and specialty bar associations, the ABA Division for Bar Services is a great point of contact. Visit the division's Web site at www.abanet.org/barserv/home.html. For inquiries regarding NABE, contact Jill Werner at (312) 988-6008 or wernerj@staff.abanet.org; for any other inquiries, contact Molly Kilmer Flood at (312) 988-5362 or kilmerm@staff.abanet.org. BL

who reported they are in either solo or small firms. Along with many other resources, including a telephone helpline and an online and headquarters-based lending library, the PMRC has a 12-seat computer center at bar headquarters where lawyers can get some hands-on experience and guidance with software applications.

In addition to formal training sessions offered by the bar, members can set up an appointment to test drive different types of software to get firsthand experience before making their own purchase. How important is the PMRC to the bar? It is the only significant new program the bar has funded in the past six years, notes PMRC advisor Diane L. Ebersole.

Where do LPM programs fit?

Should law practice management assistance be a full-time job in itself, and should it be its own department? And how does it interact with other bar entities? This is another area where Yevics' one-size-doesn't-fit-all warning is worth noting.

Ebersole says the decision of where to place LPM depends on such factors as unified versus voluntary membership, and whether the bar handles attorney discipline. At the Michigan bar, there was a great deal of debate over whether the PMRC belonged in the Professional Standards Division or the Member Services Division.

"Ultimately, Professional Standards was chosen because it is closely linked to ethics, Lawyers and Judges Assistance, discipline, and lawyer regulation," Ebersole says. "The need to draw on the expertise and experience of these groups at the bar solidified the decision to house the PMRC in Professional Standards. Other bars may choose to house the program in other areas."

And there are plenty of bars, too, that find success with freestanding LPM departments. The Oklahoma bar's MAP is its own department, one that enjoys great support from other bar entities that have a related focus, Calloway notes.

"Our Law Office Management and

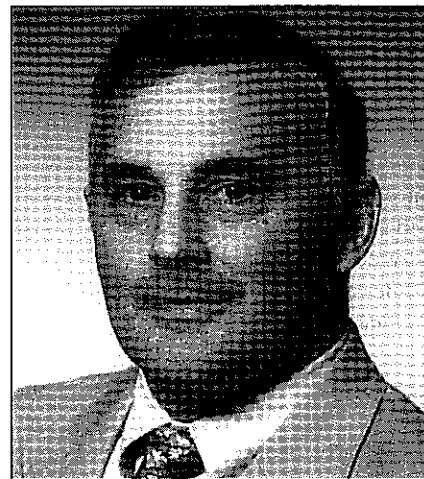
Technology Section has been particularly supportive of our program. They have made financial contributions to assist MAP initiatives," he says. That section has also been supportive of the bar's QBA-NET Web boards, online communities that allow members to interact with each other and that are especially popular among solos, Calloway notes.

In Maryland, it seemed that there wasn't a need for both an LPM program and a related section. The Law Practice Management Section eventually dissolved, and Yevics believes that was linked, at least in part, to the development of the Law Office Management Assistance program. But the bar's Solo and Small Firm Practice Section continues to grow and thrive. "It has tripled in size and is now the fourth, and soon to be the third, largest section in the bar," Yevics notes.

The 'right' way is what works for you

Finally, let's circle back to one or two of the statements that came up in this informal e-mail exchange. The first statement relates to the actions of the Florida Bar board in 1979 when it decided to redirect funds earmarked for additional prosecutors for the bar's disciplinary staff to start the first Law Office Management Assistance Service. I see this decision as a significant change in approach for a major bar association. This decision to "help members help themselves" has taken bar associations throughout the country in a new and positive direction. I believe PMA programs and related services are a direct result of this change in approach.

The final statement that I would like to bring forward came from Pat Yevics in Maryland when she said, "Our greatest value is in encouraging members to share their own knowledge and experiences." There is no single "right" way to deliver guidance and resources, but many of today's PMA programs focus on getting members involved in helping themselves. If association leadership believes that the bar should play a role in "helping



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members help themselves," PMA services can add value to member services.

How much value to add, and how quickly, is up to you and the rest of your bar's leadership. If you do not currently offer any LPM services and you and your bar decide it's best to jump right in by creating a new department, hiring a director, and offering a full range of services, that's great. But if your bar thinks it makes more strategic sense to add LPM offerings to an existing, related department, and/or to begin with a smaller menu of resources, well, that's also great.

I hope this dialogue was able to give the reader a greater sense of what services are currently being provided by PMAs at a number of bars, and also some ideas of what your bar might be able to offer.

Stephen P. Gallagher served as the first practice management advisor for the New York State Bar Association from 1990 through 2003. He is a member of the ABA Law Practice Management Section's Publishing Board. Gallagher is president of LeadershipCoach (www.leadership-coach.us), an executive coaching firm in the suburban Philadelphia area that services the legal marketplace. He conducts strategic planning retreats for law firms and bar associations and provides performance and developmental coaching for attorneys. Gallagher is also an adjunct professor of marketing at St. Joseph's University.