Office Procedures Manual

Risk Management Handouts of
Lawyers Mutual

LAWYERS MUTUAL | LIABILITY INSURANCE COMPANY OF NORTH CAROLINA

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DISCLAIMER: *This document is written for general information only. It presents some considerations that might be helpful in your practice. It is not intended as legal advice or opinion. It is not intended to establish a standard of care for the practice of law. There is no guarantee that following these guidelines will eliminate mistakes. Law offices have different needs and requirements. Individual cases demand individual treatment. Due diligence, reasonableness and discretion are always necessary. Sound risk management is encouraged in all aspects of practice.*

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WHY YOU NEED A MANUAL

Preparing and maintaining an office policies and procedures manual is an essential part of managing a law practice. Although the process may seem tedious while creating the manual, it will save valuable time and headaches in the future. Because an office policies and procedures manual is so valuable, it is important to take sufficient time to compose a good one. A poorly constructed manual could open the firm to legal liabilities and confuse staff regarding responsibilities. Having a clear, all-inclusive manual will help create a stable working environment and assist with your management duties by providing answers to questions that may arise.

An office policies and procedures manual is composed of two distinct sections. The office policies section refers to rules and regulations. These include employment, behavior, and inclement weather procedures. Having an Employee Handbook is strongly recommended. At a minimum, many federal and state employment related laws require that employers have written formalized policies addressing certain issues. Other laws recognize affirmative defenses to employee claims if certain policies exist. Having a formal Employee Handbook that is tailored to the needs of the specific organization and that is regularly updated is the best way to ensure compliance and to minimize risk for employee claims.

The office procedures section documents the administrative functions necessary for the business to operate properly. These include daily, monthly and yearly procedures. For law offices, procedures include file management, conflicts of interest checking, managing the trust account, and calendaring. Opening mail, answering the phone, and other routine activities should also be included. All of these processes are vital to prevent malpractice claims and grievances.

In reality, the need for an office policies and procedures manual is greater for solo and small firms than in larger firms. Because the trusted assistant is relied upon to do so much, an extended absence could be detrimental to the office if you have to attempt to train a substitute based solely on memory of activities you do not perform. One minor duty could be overlooked and cause a major problem.

An office policies and procedure manual also makes training new employees easier by providing step by step descriptions of job duties. Even though the new employee should be shown how to perform each task, they will not have to rely on memory or continually ask their trainer questions because written instructions are provided.

In essence, the policies and procedures manual will serve as your employees' handbook and the office how-to guide. The manual explains to your employees what you expect from them and informs them of how they can expect you to handle problematic situations should any arise. Have employees sign an acknowledgement that they have read and received their manual. Keep this acknowledgment in their personnel files.

WRITING A MANUAL

For your office policies and procedures manual to be most effective, you will need to put time and effort into preparing it. You can find several sample manuals, some specifically designed for law offices, that you can edit to your liking. Your manual should not radically change established office policies, so take care not to simply adopt a generic manual as provided.

USE SIMPLE LANGUAGE

An office policies and procedures manual should be written in simple, easy to understand language. Sentences should be twenty words long or fewer. The idea is that readers can glance at the manual and quickly grasp the concepts being presented to them. Typically the best method of presenting information is an outline format.

SAMPLE:

1.1 Office Records
- 1.1.1 Purchasing Supplies
- 1.1.2 Mail Handling
  - 1.1.2.1 Receive mail.
    The mail is sorted in the mail room and delivered by 10:00 a.m. The office assistant picks up mail and sorts it (see 1.1.2.2), and determines if mail requires an immediate response.
  - 1.1.2.2 Sort mail.
    All mail should be date stamped to indicate when it was received in the office. Do not date stamp court documents. If no cover letter is included with a court document, date stamp a post-it note and affix it to the document. Requires immediate response? Yes -> Mark as urgent -> Deliver. Requires immediate response? No -> Do not mark -> Deliver.

Simple language and detailed structure makes it easy for employees to find the information they are looking for in the manual. Clear, plain language also prevents misinterpretation of information and ensures everyone is on the same page. Your manual should not be confusing to the reader.

The manual should be written in a positive tone. The purpose is to provide a pleasant working environment and produce a cohesive firm identity.

COMPILING CONTENT

Before you begin to write your manual, you will need to compile the information that needs to go into it. Since most of the daily administrative tasks may be unfamiliar to an attorney, have office staff record their activities and write down the steps they take to perform these duties. Review calendars for monthly and yearly tasks and record the actions necessary to complete these activities as well.

Avoid specific actions, such as "Preparing a Will" in an estates practice. Instead, there should be a general entry for document preparation that describes the process for accessing standard paragraphs in your word processing system or the location of sample forms. This will prevent your policies and procedures manual from becoming unnecessarily long by repetitively describing the steps for specific document creation when they are essentially the same.

ORGANIZING CONTENT

Once you have the content pulled together, you will need to organize the information into categories that give the manual structure. Create an outline of your manual to assist you with determining where information should be placed. Divide the manual into sections and topics to include specific information underneath.

If you are using a sample manual, it will provide you with the format of how a typical policies and procedures manual would be organized. For those who are creating a manual on their own, general section descriptions are provided in this handout. First and foremost, the organization of your policies and procedures manual should make the information easy to find. Use the table of contents and index to ensure staff locate the information they need.

PLANNING PRODUCTION

At this point, writing the policies and procedures manual probably seems like a massive, daunting task. Create a production schedule, setting aside a certain amount of time each day to work on the manual. Breaking the work into smaller units will prevent it from being overwhelming. Having a production schedule is helpful to maintain a balanced workflow.

You may also elect to assign the writing duties to someone else, or divide sections among staff members. However, it is important that the writing

style for the manual remain consistent throughout. Since manuals are composed in simple language, this should be relatively easy to maintain even if you use multiple writers. Editing for consistency will be necessary should multiple writers be employed for writing the manual.

REVIEW

Regardless of who composes the manual, you will need to establish a review process to ensure that it complies with employment laws and accurately describes procedures. The review process is also extremely important to check for phrases such as "with cause" that may limit your rights as am employer. Using the wrong phrases can turn your employee manual into a contract in the eyes of the court.

The review process should also include testing of procedures described in the manual to ensure they are thoroughly described. Since the manual may be relied upon by staff to complete tasks in emergency situations, instructions must include all steps in the procedure no matter how small so that the procedure can be duplicated without training if necessary.

THE MANUAL: OFFICE STRUCTURE

The best starting point for your manual is a description of your office structure. This introduces employees to your company and defines office organization. Beginning your manual with the office structure section will set a positive tone for the manual instead of beginning with rules and regulations.

INTRODUCTION

The first order of business in the introduction section is a welcome to the employee. This letter, gives a personalized element to the handbook. Follow the letter with your firm's mission statement to further emphasize the commitment to goals. Company history will complement the mission statement by showing your progress. The introduction should make an employee feel good about choosing your company.

BUILDING LAYOUT AND ACCESS

The next section of office structure should consist of building layout and access procedures, including maps of the building as well as the office layout for your suite. This can help new employees find items within the office without having to ask questions each time.

If your office is located in a building that automatically locks the front doors at a given time, such information should be communicated in this section. Access to the office during non-business hours, such as weekends, should include information regarding alarm systems as well as temperature control standards for unoccupied hours.

JOB DESCRIPTIONS

The manual should include a description of each position to clearly identify who is responsible for tasks. Assigning tasks to specific employees helps balance workload among employees and promote a better work environment. Job descriptions will be more general for smaller law firms and more specific in larger law firms where additional positions allow the firm to narrow the duties of an employee.

Job descriptions assist new employees with knowing whom to ask certain questions. You will have prepared a job description when hiring someone to fill a position; this description can be placed in the manual. You may wish to reword the language to fit the manual, but it is not necessary to create a completely new description. Also, firm size to number of employees will factor into how specific or general the job descriptions should be. A flow chart of firm and division structure may also prove helpful.

SUPPLIES AND EQUIPMENT

The last piece of the office structure portion of the manual describes office supplies and equipment. Detail where supplies are located within the office as well as the procedure to request more supplies when needed. If supplies are typically purchased on a certain schedule, include procedures for urgent supply requests.

The location of office equipment such as fax machines, scanners and copiers should be detailed. Including information regarding the procedures for changing toner cartridges for office equipment will ensure the equipment can be properly maintained and functioning. If you have personnel whom you would prefer to perform maintenance, identify the responsible party.

THE MANUAL: PERSONNEL POLICIES

Personnel policies cover the terms of employment for your office. Wording is crucial in this section to ensure you do not limit your rights as an employer. In some cases, policies manuals have been determined to be contracts between employers and employees. Speak in general terms and avoid words such as "guarantee" when referring to firm actions. You want to avoid determining certainty with regards to how the firm reacts to situations.

GENERAL POLICIES

General employment policies indicate compliance with federal and state employment laws. Policies should include topics such as equal opportunity employer, non-discrimination, confidentiality and privacy. Include your office procedure for harassment in this section.

EMPLOYMENT

This category describes the act of being employed. List classifications of employment as well as any probationary period used by the firm. Describe the process of employee evaluations and how they will be used. Also, include information regarding personnel files and their confidentiality.

Another component of the employment policies section is the disciplinary and termination terms. Include the procedures for disciplinary actions and/or termination without representing that such procedures will be followed for each offense. Some offenses, for example, might be cause for immediate termination.

(If an employee is being considered for disciplinary action, any concerns should be reflected in the employee review. An employee may file for wrongful termination if the review process suggests satisfactory performance and then they are terminated for not performing their duties properly.)

CONDUCT

This section of the manual describes the employee's behavior as a representative of the company. Include online representation such as blogging and email since these have permanent impressions and have a farther reaching effect than other behavior. Define your office media policy, including who is allowed to represent the firm to media outlets. Do not neglect web browsing regulations and other uses of office equipment and supplies for personal use. Also determine who is allowed to sign contracts on behalf of the firm.

Your company's dress code policy should be very specific about what is allowable. Be sure to enforce your dress code policy consistently to avoid claims of bias. Also include policies for personal phone calls and audio devices to limit the amount of work interruption and disagreements regarding musical tastes between office workers, especially those whose desks are situated in cubical office layouts.

To ensure that your office presents a professional image, include a section regarding workspace maintenance and personal property. This can serve as a reminder that client information is privileged, so a

client visiting the office should not view loose papers on a desk or have access to computer screens.

Another component of the employee conduct is the office dating policy. This policy can be a strict no dating policy or restrict any personal relationships to after office hours. The goal is to prevent personal relationships from affecting office performance.

While it may be tempting to write these office rules heavy handedly, be sure to project a positive attitude and focus on the objective of a good working environment instead of a list of things not to do. To ensure this section ends on the most positive note possible, close the section focusing on employee comments and suggestions to make the office better.

HOURS OF WORK

Now that employees know how to behave in the office, you need to tell them when they are to be present and accounted for. Hours of operation should be provided. Include the time allotted for lunch and/or breaks.

If your firm allows for telecommuting or alternate work schedules, address the procedures for approval of these actions. Detail the importance of attendance and knowing where employees are when they are needed. Include your office's procedures for time reporting. Address late arrival or early departure notification procedures as well.

The last component of this section is the office emergency closing policy. Since this is most often used for inclement weather, outline your policy for informing employees of office closure. In inclement weather situations when the firm is open or on a delayed schedule, provide the policy for how those who cannot come to work will be charged the time. In the event of emergency evacuations from the office, an emergency exit plan should be in place with a designed employee gathering site to verify everyone has exited the building. If possible, include detailed maps with outlined exit routes in the manual.

BENEFITS

For many employees, the benefits package adds satisfaction to the job they have accepted. Insurance is perhaps the most sought after benefit for employees. Include all types of insurance coverage offered: health, dental, short term disability, etc. Also detail worker's compensation coverage and the procedure for submitting claims.

Employees are also very interested in the firm's retirement plan benefits. The type of plan(s) available should be provided. Also provide any contributions to the plan that will be made by the firm. Your firm's vesting procedures should also be described.

Another benefit offered by many companies is tuition reimbursement for work-related education. Provide the procedure for obtaining pre-approval for education expenses. There can be restrictions as to what kind of educational programs are covered by this policy as well.

HOLIDAYS AND LEAVE

This section details the time allotted not in the office. List the holidays which the office will observe by closing. Also detail how many days the office will be closed if the office elects to close multiple days for a holiday, such as Thanksgiving or Christmas. Provide the procedure for informing employees of the yearly dates for holiday observance.

Also provide employees information regarding paid time off accrual and use. Paid time off may be combined into one category or broken down into sick leave, vacation, etc. The procedure for requesting paid time off from supervisors should be included. Short-term disability and/or discharge due to illness also should be addressed.

Policies regarding jury duty, military leave, and bereavement should be included in this section. School leave, taken in hourly segments, can be another incentive to help promote parental involvement in school functions. If compensation is provided for any of these leave categories, detail how much time an employee can expect to be paid within an allotted timeframe. For example, your firm may provide two weeks of paid time for jury duty within a two year period but provide no paid time for military leave unless the employee uses accrued paid time off.

THE MANUAL: OFFICE PROCEDURES

Now that the terms of employment have been fully addressed, the procedures for working in your office should be outlined. This portion of the manual should provide the employee with detailed instruction of how to perform their duties as well as instruction in performing the duties of someone else if needed.

SECURITY

Because a law firm handles confidential information, maintaining security is imperative. Of biggest concern today is electronic security for computer systems and files. (Please see our handout on "Email, Internet and Wireless" in the Risk Management Resources section of our website for more information on developing policies regarding electronic file policies.)

Another aspect of security is the proper disposal of confidential information. Shredding policies for documents should be addressed. If your firm employs a disposal company to shred documents for you, placing confidential documents in secure containers until it is picked up to be shredded should be stressed. Leaving confidential information in a recycle box to be emptied later could be a liability should someone gain access to your office.

To prevent unauthorized access to your office, outline opening and closing procedures that provide security for your staff and your confidential information. Physical access to the office was described in the office structure section, but reiterate security procedures as part of the maintaining confidentiality process.

EMERGENCY OR DISASTER

Hopefully never to be needed, every office needs an emergency and/or disaster plan. Natural disasters such as hurricanes or flooding should be addressed, but modern disasters such as server crashes must be included as well. Disaster recovery procedures such as recreating files from server backups and alternate work abilities should the office be inaccessible are crucial elements for disaster recovery.

Another portion of emergency planning is the procedure for an on the job emergency. Describe the procedure for reporting injuries. If the incident is a worker's compensation claim, include information regarding proper procedures for notifying management.

REPRESENTING FIRM

This section furthers the basic code of conduct outlined in the personnel policies. Provide instruction regarding the proper way to greet clients and answer the telephone. While these simple gestures may be second nature to some, having guidelines will present a uniform image of the office.

Maintaining confidentiality is another portion of representing firm. This requires no watercooler gossip within earshot of clients who are visiting the office. Remind employees that they are not allowed to discuss cases in front of clients.

REPRESENTING CLIENTS

Of course the most important function of a law firm is the representation of clients. This section describes the proper office procedures for engaging and declining representation. Referring cases to third party lawyers should be delicately handled, for example, when your firm cannot accept a case.

The proper use of engagement letters is crucial for establishing client relationships. Be sure staff know the procedures for using engagement, non-engagement and dis-engagement letters so that representations are clearly established from start to finish. These letters can greatly reduce the headaches caused by misunderstandings between clients and attorneys. (For more information, including sample letters, please see our "Attorney-Client Relationships" handout in the Risk Management Resources section of our website.)

COMMUNICATIONS

To facilitate good client relations, you need to establish guidelines for proper etiquette and timeliness in responding to correspondence. This applies to all forms of communication: telephone calls, faxes, emails, mail, and personal visits. If the responsible party cannot timely respond to the client, designate a backup to respond within the appropriate time frame.

The rules established by your office for corresponding with clients should be relayed to clients with their engagement letter. Knowing who and when a response will be received by will greatly reduce the agitation of a client, especially if their primary attorney is unavailable at the time.

FILING SYSTEM

A thorough description of your filing system will ensure that everyone follows the same procedures for opening and closing files. Begin with opening procedures and the correct style of labeling a file, including specific fonts and sizes to be completely uniform. Completion of a conflicts of interest check should be included as part of the opening procedures as well.

Once a file is open and active, file management procedures, such as your check out and check in system, should be described. Include file transfer procedures as well. Any other event that may happen to an open and active file should be documented here.

File closing procedures should follow open file activities. Include any changes in file labeling associated with your closed file procedures. Also, note if you have special filing procedures for completed cases that have outstanding invoices. (See our "File Management: Retention and Destruction" handout in the Risk Management Resources section of our website for more information regarding file management and closing procedures.)

DOCKET CONTROL SYSTEM

Your docket control system, or calendaring system, will vary depending on your software. Describe the procedures for calendaring that are specific to your firm. Include information regarding appropriate backup calendar maintenance should the primary system be unavailable.

List events that should be calendared, including follow-up dates. Determine responsible parties for actions and designated backups to ensure activities are completed timely. (For more information regarding docket control, see our "Calendar and Docket Control" handout in the Risk Management Resources section of our website.)

FINANCES

The final piece of your office procedures description is the financial management portion of casework. Timekeeping procedures should be described so all staff uniformly record activities for clients. Your manual should note that duties that should be performed by administrative staff should not be charged at an hourly rate.

Included a detailed description of your billing statement and the frequency at which it should be sent. Itemize the information that should be included on the billing statement and list typical charges and costs that should be billed. Having a clear, descriptive billing statement aids in client satisfaction, so it is important that staff understand the importance of this document.

Proper documentation for your clients' trust accounts is crucial for firm management. Trust account theft is a serious State Bar violation, regardless of the amount, so it is imperative to maintain strict procedures for writing trust account checks and balancing the account. (See the "State Bar's Trust Account Handbook" for standards regarding trust accounts.)

For duties performed by staff, include reimbursement requirements and petty cash procedures. Reimbursements that are to be charged to a case should require receipts regardless of the amount for the client's information. Petty cash should be available for emergency situations and stored in a secure location with limited access.

THE MANUAL: STANDARD FORMATS

Conclude your policies and procedures manual with a section regarding standard formats for forms and letters produced by your office. This section includes generic formats and typographical standards to present a uniform look. Store detailed standard forms in a form notebook and/or accessible server file so they are readily available for staff when they need to create the same or similar document without having to recreate the wheel. If on a server, you may want to write protect the file to prevent the inadvertent editing of the standard form.

TYPOGRAPHICAL STANDARDS

Although you may believe everyone types the same way, assistants may have different styles of creating documents that include varieties in such things as spacing between sentences, paragraph formatting, and signature placement. Manage your image by listing standards for these and other typography elements such as abbreviations, hyphenations, quotations, and outline formatting. Setting standards ensures documents created by staff will be formatted the same.

LETTERS AND MEMORANDA

Provide a description of your letterhead and the appropriate margins. Include the fonts and text size to be used. Again, the purpose is to create uniform documents. If you have standard paragraphs for letters, list location of these paragraphs and the procedure for properly inserting them in the document.

Also include formatting procedures for creating memoranda and fax cover sheets. Detail the margins and appropriate font and text size use, especially if these vary between heading and body. Be sure to include information regarding disclaimer language, which should be included on your fax cover sheet.

PLEADINGS

Describe the formatting procedures for creating court documents and pleadings. Stress the importance of format rules dictated by the courts. If you maintain a library of standard paragraphs for pleadings, describe in detail the location and procedure for inserting paragraphs into the document.

OTHER DOCUMENTS

Consider any other documentation that does not fall into other categories and include it in the formatting guidelines. You may have specific formatting for email communications, including standard office signatures, to be included here. For forms, describe access to the forms library and/or the location of the forms notebook for reference.

MAINTAINING A MANUAL

Once you've written a manual, you must maintain the information included to keep it current. Changes in employment law must be reflected in the policies sections. Updates in software may cause procedures to change, which should be recorded so that staff have correct instruction for performing tasks.

It will also be necessary to periodically review the manual for changes and updates to procedures to accommodate any changes that are made in staffing, policies, etc. You may find you want to change your polices regarding how you proceed during inclement weather, for example. You may decide the current wording is insufficient and text needs to be changed.

If you keep each section on a separate page and placing the manual in a three ring binder, changes to pages can be made easily and do not have to be time consuming. Be sure to indicate the date on any changes made so that everyone can be sure they have the most recent revision in their manual.

To save paper and ensure everyone knows where to find the most recent manual, consider making it available in a read-only format on firm's server. Other forms such as tax forms and change request forms may be kept here as well.

SAMPLE LAW OFFICE PROCEDURES

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I. CALENDAR CONTROL

The most frequent source of claims at Lawyers Mutual is missed statute of limitations deadlines. These cases are frustrating because there is usually no defense. The event leading to the malpractice, the blown deadline, could have easily been avoided by implementing a calendar control system or utilizing the system already in place.

The idea behind calendar (or docket) control is to create a system that is reliable and efficient. An effective system provides for the daily scheduling of all work in the office, including appointments, court appearances, litigation deadlines, filing deadlines, real estate closings, follow-up dates, self-imposed deadlines and office meetings.

A good system provides peace of mind. For example, with calendar control, promises to a client to have a status report completed by a certain date will no longer turn into a last minute rush. Another benefit is improved client relations, which also reduces the risk of a malpractice claim.

A. INSTRUCTIONS

The first step in setting up your calendar system is to appoint one person who will be responsible for docket control. Name a back-up. In some large offices, docket control is the sole function of one employee, usually a paralegal, with another paralegal acting as the back-up. We'll call this person the *Docket Coordinator*.

In a smaller office the coordinator may have other responsibilities. It is important that everyone in the office be familiar with the system and use it. For example, if the receptionist schedules an appointment for an attorney who is out of the office, the receptionist must advise the docket coordinator of the scheduled client meeting.

There should be at least two or three notices for every deadline. The system would not serve its purpose if it only gave notice of a deadline on the date of the deadline. For example, if an answer is due to be filed with the court on Monday by 5:00 p.m., you need to know before 9:00 a.m. Monday.

As a general rule, your docket system should give you deadline notices two weeks in advance, one week in advance, and on the day of the deadline. Successive reminders allow you to work on projects gradually rather than constantly putting out fires.

B. The docket coordinator should distribute docket reminders to the attorneys and support staff each day. The back up should distribute the reminders in the absence of the coordinator. There should also be a procedure for covering deadlines when the responsible attorney is out of the office. A back-up system or calendar should be maintained. If your docket system is on computer, your back-up system should be manual.

C. MATERIALS NEEDED:

1. Two File boxes, each large enough to hold 3 x 5 index cards.
2. Two sets of 3 x 5 tab dividers, numbered 1-31. These are your daily tab reminders.
3. One set of 3 x 5 tab dividers, labeled January through December. These are your monthly tab reminders.
4. Blank set of nine 3 x 5 tab dividers. These are your annual tab dividers.
5. 3 x 5 tickler cards. You can choose from a variety of pre-printed forms that are self-imaging, so no carbon paper is required. Or you can easily create your own cards on your word processing system. Or just use blank 3 x 5 cards and fill in the necessary data on each card.
6. One set of 3 x 5 tab dividers labeled A-Z. These will be used to set up a client control index.
7. Yellow and red felt pens.
8. Back-up calendar (week-at-a-glance or month-at-a-glance).

D. PUTTING THE SYSTEM TO WORK

1. Anyone can enter information into the docket system by using the tickler cards. The cards should be completed and given to the docket coordinator. Or the information can be given directly to the docket coordinator, who actually prepares the tickler and files in the system. The original tickler should be filed under the date of the deadline. Duplicate cards should be filed at the two-week advance warning, and so on.
2. Color coding is helpful. The pre-printed systems come color-coded. A red tickler card, for example, is the one actually filed under the deadline date. A blue card is used for the two-week advance warning, and so on.
3. You can easily color code your system by using different colored paper for your tickler cards, or by using different colored pens to write the information on the cards. The colors send different messages. Example: blue indicates the two-week warning, yellow is one week, red is the ultimate deadline.
4. Each day, the deadline coordinator distributes the tickler cards that appear in the docket system for that date. The deadline coordinator also enters the deadline date of each item on the back-up calendar. This back-up system will be in place if a tickler card is lost or misfiled.
5. Each day, the coordinator pulls all files requiring activity that day. After the activity has been completed, the files should be immediately returned to their storage cabinets and a new tickler date should be established.
6.. Two rules should be followed: Never accept representation in a case or open a file, particularly a plaintiff's file, without first determining when any statute of limitations will run. Never file or shelve a client file until the next activity date is tickled.

E.. WEEKLY CALENDAR

1. It may be helpful for the docket coordinator to also prepare a weekly calendar for each attorney and support person. The calendar shows all upcoming deadlines for the week. The weekly calendar is given to the attorney and support staff on Monday so they know what must be accomplished during the week.
2. Each day the docket coordinator will check with the attorney to determine whether the items due that day were completed. If for some reason the attorney is unavailable, he or she can make the appropriate notation on the weekly calendar and the docket coordinator knows where to get the information.

F. A PICTURE OF THE SYSTEM AT WORK

First, let's set up our calendar system. Let's say that today is January 1, 2012.

- Place the January monthly tab divider at the front of one of the file boxes.
- Place one set of daily tab dividers (numerical 1-31) behind the January tab.
- Place the February monthly tab dividers behind the number 31 daily tab.
- Place the second set of daily dividers behind the February tab.
- Place the remaining monthly tabs (March through December) behind the tabs for February.
- Place the 9 blank tab dividers in the back of the box. Label these for the next 9 years (2012, 2013, etc.) These tabs represent future years.

- Place the alphabetical tab dividers (A-Z) in the second file box. This will be your client control box.
  Now that our system is set, let's see how it works. Let's say you're using the sampler tickler card shown above. Imagine that a pleading must be filed on February 5. To enter that deadline in the tickler system, you:
- Fill out the information on the front of the card, pressing firmly to imprint on all copies. Generally, tickle at least two advance warnings.
- The bottom copy (red) of the tickler card should be filed behind the February 5 tab divider. This indicates your drop-dead or ultimate deadline.
  Note: The red card always remains filed behind the ultimate deadline. It does not move until the ultimate deadline arrives.
- The middle copy (yellow) is used for advance warnings. It should be filed behind the tab divider representing the first advanced warning (January 17 as the two-week warning). When the January 17 deadline passes, this card is refiled in the date corresponding to the second advanced warning (January 24 as the one-week warning).
  Note: The middle card (yellow) "floats" through the box. It begins with the first advance warning and proceeds toward the ultimate deadline.
- If for some reason the activity required by the advance warning cannot be completed, simply assign a new advance warning date and refile the card accordingly.
- The top card (white) is filed alphabetically in the second box under the client's name. This is your client control file. Whenever you wish to determine upcoming dates and deadlines for any client, simply consult this file. You will see what deadlines, including advance warnings, have been tickled for every client.

Other points about the system:

- The calendar is perpetual. At the end of every day, remove the daily tab divider from the current month and place it behind the tab for the month-after-next. Similarly, when you reach the end of a month, remove the monthly tab divider and place it at the back of the monthly tabs.
- Note that you will always have 62 daily tab dividers at the front of the box for filing tickler cards. Some of the 62 tabs will be in the current month, depending on how late in the month it is. The remainder will be in the two succeeding months. These daily tabs roll over perpetually.
- Tickler cards that are to be followed up more than 62 days in the future should be placed behind the appropriate month, regardless of the actual day. When that month arrives, the daily guides will be placed behind the monthly tab and the tickler cards distributed accordingly.
- Tickler cards to be followed up in future years should be placed behind the appropriate annual tab at the back of the box. When that year arrives, monthly and daily tab dividers can be set up, and the cards distributed accordingly. This allows for long term tickle dates.

G. MAINTAINING THE SYSTEM

1. Prepare a written office policy regarding your docket system and include it in your employee manual.
2. Appoint one staff member as docket coordinator. Appoint a back-up.
3. Know the law. You cannot calendar litigation deadlines if you do not know the deadlines required by statute and the Rules of Procedure.
4. Enter dates and deadlines into the system in a prompt and timely manner.
5. Calendar reminder dates in advance of the final deadline.
6. Maintain a back-up system.
7. Make sure deadline notices are distributed each day by the docket coordinator.
8. Develop a follow-up procedure to make sure that docketed matters have been fully completed.
9. Set up a 12 month wall calendar so you can plan long-term. Or you can use this calendar to show all upcoming court hearings, real estate closings, etc.

III. MAIL DISTRIBUTION

A. INCOMING MAIL

1. One person should be responsible for picking up, opening and date stamping all the mail. Every item received in the office should be stamped with a receipt date. Once this has been accomplished, distribution should be made to the secretary of each attorney.
2. The secretary should review the mail for dates and items of importance. She should look for correspondence requiring a response, receipt of information which the attorney has been waiting for, notices of important dates for meetings and hearings, depositions, trials, etc. Such correspondence should be flagged, either by highlighting the important information or by attaching a note to the correspondence so that the attorney recognizes it right away.
3. Make notation on the calendar. Make an entry in the docket control system for deadlines.
4. You may want to separate the mail into three different stacks:
   a. legal periodicals and newsletters;
   b. junk mail; and
   c. correspondence and pleadings that require immediate attention.

   To place all of the mail in one stack will seem overwhelming to the attorney. Unfortunately, instead of sorting through the stack, the attorney will move the stack to the side in hopes of reviewing it at a later time. By having the secretary sort through the mail, and highlight the items that need immediate attention, the attorney can tend to important matters right away and either discard or put aside the reading material and junk mail until later.
5. Attach the mail to the client file before placing on the attorney's desk. It is easy for loose mail to be misplaced or misfiled. Also, if these loose items of mail are given back to the secretary for filing, they may sit on the secretary's desk for an indefinite period of time until the secretary finds time to do the filing. After all, filing is a job that most of us put off as long as possible.
6. Once the mail (attached to the file) is returned to the secretary, she can place the mail in the file in its proper place and return the file to the cabinet. This will help to keep the files as current as possible. Attorneys and staff review files to bring themselves up-to-date on the case. This cannot be done if all the correspondence and/or documents have not yet been filed.

B. OUTGOING MAIL
   1. Any correspondence prepared for review by an attorney should not be added to the already overwhelming stack on the attorney's desk. Correspondence can easily be shifted and covered by other matters added to the stack. The attorney may not get to the correspondence for several days.
   2. The correspondence should be given directly to the attorney or put in a noticeable place. Consider designating a special basket or area just for documents requiring review and signature. Place post-it notes on the documents to show when they must go out (example, red means must be mailed today).
   3. Pull the file and refer to it when preparing correspondence. This way, you'll get the correct names and addresses. Also, the file should indicate if copies are to be sent to a particular person such as co-counsel. If additional copies of the letter and enclosures are to be mailed, make a notation on the file copy of the persons to whom copies were sent.

III. APPOINTMENTS

A. When making appointments, use a calendar that allows enough space for appointments and meetings to be listed legibly. A calendar that displays the entire week at one glace is helpful. This allows the person viewing the calendar to easily see how the attorney's schedule looks for the next couple of days as opposed to viewing one day at a time.

B. Attorneys should not be shy about making notations on calendars. Do not rely on memory for keeping meetings and other scheduled appointments straight.

C. The secretary should always keep a duplicate of the attorney's calendar. At the beginning of each day (or the end of the previous day), the attorney's and secretary's calendars should be checked against each other to make sure they coincide. Attempt to review the day's calendar together so that you can make joint plans. After reviewing the calendar, you can begin planning your day.

D. When making appointments, be sure to obtain all of the necessary information from the client. One of the most important items you will need is a phone number where the client can be reached during the day. Emergency situations often arise and it may be necessary for you to contact the client to reschedule an appointment. Without a phone number where the client can be reached, you will have to wait until the client comes in to inform him/her that the appointment has been cancelled.

E. Ask clients where they would prefer to receive their mail and telephone calls. Some would prefer to be contacted at home, others at work. Ask for convenient times of day. Ask what the consultation is in reference to. The type of case determines the type of information you need. For example, in a domestic matter, the attorney will need information regarding the client's financial situation. For a will update, the client should provide a copy of his/her existing will, as well as the correct names and addresses of the people who will be named in the will.

F. Having the necessary information up front will speed up the process and eliminate unnecessary delays. The use of preprinted forms is helpful. Prior to the initial conference, the client could pick up the form questionnaire or you could mail one to the client. They could complete the questionnaire at their leisure and bring the completed form with them when they meet with the attorney.
Sample interview and intake forms are included in the "Client Intake" handout. You can obtain a copy via our website: www.lawyersmutualnc.com.

G. Be sure to allot ample time for each appointment. More often than not appointments run longer than their scheduled time limit. Depending on the circumstances, you should allow approximately 1/2 - 1 hour for office conferences, 2 or more days for a trial, and 1/2 - 1 day for depositions.

H. If the attorney is rushed and pressured, the whole office will feel the effects. It is better to schedule too much time as opposed to not enough time. Overcrowding and long delays in the reception area do not promote happy clients.

IV. CONFLICTS OF INTEREST

It is impossible for an attorney or staff member to have an instant recall of all former clients. Not only do you have to remember former clients, but also adverse or opposing parties. The memory method is not easy and definitely not reliable. Memory alone is not sufficient to avoid conflicts of interest.

The problem becomes even more complicated with firms that have several attorneys. It is impossible for each attorney to know the past and/or present clients of the other members of the firm. Mergers are almost impossible to handle even with a good conflict of interest system. Conflicts of interest information should be compiled when the file is opened. Parties may also be added during the pendency of the case.

Four different options are discussed below. Review the options to determine which method is right for you. Though the options are similar in that they all achieve the same goal, they differ slightly in their method. The option you choose will depend upon your preference as to procedure.

A. OPTION A
1. Supplies needed:
   - 3 x 5 index or rolodex cards
   - File box large enough to hold 3 x 5 index cards or rolodex
   - Set of alphabetical dividers
2. The name of related or adverse parties should be printed on 3 x 5 index cards to be maintained in one central location. You will need to include on the card the name of the party, the relationship of the party to your client (ex: opposing party, co-defendant, witness, etc.), the client's name, and the file number and case matter.
3. The cards should be filed alphabetically. Cards should be stored in the file box or on a rolodex depending upon your preference.
4. You should prepare a separate card for each individual involved.
5. Your firm may be asked to represent a future client against a former client.
6. A review of the master client listing is also important. To save yourself an additional step, you could prepare an index card for clients as well as other parties involved in the case. This way, you would only have to check one place for all possible conflicts.

B. OPTION B
1. Supplies needed:
   - 4 x 6 five part one-write carbonless preprinted cards
   - File box for 4 x 6 cards
   - Set of alphabetical dividers
2. This option is similar to Option A. The 4 x 6 cards, however, are carbonized. You could list the client as well as numerous other parties on one card and then separate the cards for filing.
3. Once the card has been completed, separate the parts and file them in alphabetical order in the system.
4. This option is the lease time consuming because you only type one card as opposed to a different card for each party in Option A.
5. This option will be the most expensive because you will need your local printer to print the carbonized forms.

C. OPTION C

1. Supplies needed:
   - Pre-printed Initial Interview forms
   - Notebook large enough to hold the Initial Interview forms
2. The Initial Interview form is prepared when the file is opened. It should be carbonized and have a section dealing with conflicts of interest. One of the copies could be filed alphabetically in a notebook and used as a checking system. This option works basically the same as the other two options discussed.
3. The advantage to this system is that it is simple, low-maintenance and does not require forms. Additionally, you will not have to prepare a separate entry for the system. The conflict information will be obtained by simply filing the carbonized copy of the initial interview form.
   Sample interview and intake forms are included in the "Client Intake" handout. You can obtain a copy via our website: www.lawyersmutualnc.com.

D. OPTION D

1. Your conflicts of interest database could be placed on your office computer or word processor. There are various software packages available or you may want to create your own. Simply search the database for possible conflicts.
   A list of software programs is included in the "Software Directory" handout. You can obtain a copy via our website: www.lawyersmutualnc.com.
2. This option is quick and accurate. The amount of storage space used, of course, depends on the size and nature of your practice

E. USING THE CONFLICTS SYSTEM

1. When a new file is opened, the person responsible will check the alphabetically filed cards to see if any of the names that appear on the Initial Interview form appear in the listing. If so, the responsible attorney should be notified immediately.
2. You should disseminate a "Conflicts of Interest Questionnaire" form. A copy should be distributed to each attorney and staff member in the firm. The form should be returned by the date indicated and should be initialized or signed by the attorney or staff member giving the information. The person responsible for disseminating the forms should keep the original of the form and enter the date by which the forms should be returned into the docket control system. Keep a list of those people in the firm that received a copy of the questionnaire. If all of the forms are not received by the date requested, the person responsible for the system can easily see who has and hasn't returned the forms.
3. Once the file is set up, the original Conflicts of Interest Questionnaire should be placed in the file.
4. The conflicts of interest system should be centrally located in the office and everyone in the firm should contribute. It will not be of much help if several people or groups of people do not participate or insist on maintaining systems on their own. The file room is a good place to house the conflicts of interest system.
5. A file clerk is the ideal person to assume responsibility for the system. Although it would be everyone's responsibility to make entries into the system, the clerk would be the only person responsible for checking the system for conflicts when requested to do so by an attorney or staff member.

V. BILLING AND TIME RECORDS

A. Billable time must be accurately recorded and done so on a daily basis. Preprinted forms are helpful, but a yellow pad works just as well. Whatever type of record you use, keep it with you at all times. Many attorneys dictate their time entries. This works well for the attorney that does a great deal of dictation.

B. An attorney or firm that keeps time records on a daily basis will bring in more revenue than the attorney or firm who tries to compile bill statements using only memory and a calendar. The latter option takes a great deal of time, relies on a great deal of guesswork, and will not be as accurate, leaving room for questions by the client. Answering those questions will be time consuming and difficult.

C. Submit your time sheets or have your secretary collect your time sheets on a daily basis. Make daily entries on the computer or word processor if you use either type of equipment. If you prepare your billing manually, you may want to file all of the time records in a separate section of the file. Periodically, you could transcribe the handwritten notes to prepare the bill statement for review. While the computer and/or word processor definitely makes the billing process easier and more manageable, manual preparation of bill statements can be simplified if done in an organized manner.

D. Waiting to enter the time sheets at the end of the month is time consuming. So instead, spend 15-30 minutes a day so that when the end of the month rolls around, all you have to do is print a rough draft for the attorney's review.

E. Itemize your statements. Let your client know what you've been doing on his/her case. This may minimize time spent answering questions regarding why your bill is so high. Clients will be more willing to pay your bill if they can see that the amount billed is justified. This is also a good way to keep your clients updated as to how the case is progressing.

F. Follow the fee agreement. If you agreed to bill the client monthly, then do so. If you agreed not to bill the client for a six-month period, then do not bill the client until the six-month period has passed. If you are working against a retainer, send the client copies of your time sheets. Don't leave the client in the dark. Once the retainer has been exhausted, there should be no question in the mind of the client as to how the money was spent.

G. Be consistent with your client billing. Send statements periodically as the case progresses. Don't let the amount build up over several months and then expect the client to be happy with the large fee. People are more willing to make small, periodic payments as opposed to one or more large payments.

H. Let your client know if you change your hourly rate. Even though the hourly rate is computed on the bill, make a separate notation on the bill pointing out the new rate or prepare a notice to all clients to be mailed along with the bills.

I. Some of the above suggestions might lessen the likelihood that you will have to sue a client for your fee. Every time an attorney sues a client for fees, the attorney invites a counterclaim for malpractice. While many of these counterclaims are not well-founded, they still must be defended (costing the attorney time and money). You should make it a rule never to sue a client for fees. But if you must, consider the following questions:

- Is your client able to pay the fee? If not, you will be wasting your time.
- Did you obtain a favorable result for your client? Was your client unhappy with the result and/or your services? This situation will definitely result in a counterclaim being filed.
- Have you tried to reach an agreement with your client regarding the payment of fees? Perhaps your client would be willing to make small monthly payments until the fee is paid in full. Try to be as cooperative as you can.

VI. FILE DOCUMENTATION

A. Many malpractice claims could have been avoided if attorneys would get in the habit of documenting their files. We all agree that correspondence and documents should be timely filed and in some sort of order, but what about those handwritten notes that never seem to find their way to the file?

B. How often have you searched a file, your office, your secretary's office, and all areas in between looking for those notes you took during a phone conversation or at a conference with a client? Or, how many times have you forgotten to follow through on a promise to a client because you failed to make a note of the conversation?

C. When opening a file, obtain all the information available at the time. Prepare a client information sheet which contains all of the necessary information on the client and his/her case. This sheet should be kept in the file at all times.

D. Take notes of all phone conversations. Have preprinted forms or use a yellow pad and keep it by the phone. Once you've made the notes, you could give them to your secretary to be filed. If you like to look at the file while you're discussing the case, you could keep a blank sheet of paper in the file to be used for notations. As the yellow sheet becomes filled, simply place another blank one directly on top of it.

E. Include in your notations any advice given as well as any promises made. Also, document any instructions or information given by the client. An example would be if the client informed you by telephone that the client's CPA would file the tax returns or if the client was going to file the returns. Make a notation in the file and then follow up with a letter.

F. Do not make unprofessional remarks about your client in the file. Unless you weed through the file prior to returning it to your client, the client will notice the remarks and, of course, this will not promote good client relations. This is especially so if the client is disengaging you for reasons other than the conclusion of the case.

G. Record activities attempted even though not accomplished. Make notations in the file of the number of times you tried to contact the client, witnesses, etc., and how that contact was attempted (by phone, letter, or personal visit). If a client later alleges that you failed to maintain contact, your file will prove just the opposite. You will have a complete record of the attempts made.

H. Keep your files current and in proper order. Do not let filing stack up if at all possible. Locating various needed items will be easier if your files are in chronological order. You may also find it helpful to separate the file into various sections if at all possible (i.e. correspondence, documents, notes, fee statements, etc.).

I. Any information which goes into the file should be dated. If you receive enclosures with a piece of correspondence, mark the date received on the enclosures so that you can easily see which enclosures came with which piece of correspondence.

J. If you copy a letter or document to the client or any other party, indicate this on the file copy.

K. The attorneys in a firm should determine the length of time that closed files will be maintained by the firm. The same time limitations should be adhered to by all members of the firm.

VII. FILING SYSTEMS

How many times has your office come to a complete standstill while you've had to organize a search party to locate a missing file? Once the file has been found, how long does it take you to locate a particular document and/or piece of correspondence in the file? Do you have files stacked on your desk, chairs, floors, cabinets, etc.?

This can be extremely frustrating. There are ways to avoid this constant aggravation of not being able to locate what you want when you want it.

A. SYSTEMS

1. An alphabetical system may suffice in a small practice. For the larger practice, a numerical system is both flexible and easy to use. The numerical system will easily expand as your practice does.

B. LOCATING FILES

1. Place a colored file divider in the place of a file that is removed from the cabinet. On the card, sign the name of the person taking the file and the date the file was removed. Another idea is to have a notebook in the file room. All files removed from the file room would have to be listed in the notebook along with the initials of the person taking the file.

C. CENTRALIZED LOCATION

1. An effective filing system requires that all files be maintained in a centralized location. If files are stored in individual offices or desks, the probability of lost files or documents increases significantly. Then, too, there is the value of the time lost in trying to locate particular items. Maintenance of the files should be the responsibility of one of the members of the office staff, such as the file clerk.

D. CLOSING FILES

1. If you do not have the space to store hard copies of all your closed files, you may want to consider putting your files on computer disks, CD-ROM, or even microfilm. Another idea is to return closed files to the client. Have the client sign a statement accepting the original file. Prepare a cover letter to go with the file stating that the entire file is being returned or list the various items from the file being returned.
2. Be sure to notify the client in writing that your office will not retain duplicates. Keep a copy of the letter. If the letter and file are being returned by mail, send the package certified mail, return receipt requested. If the file is being picked up or delivered, have the client sign the copy of the letter that you will keep.
3. You may want to assign new file numbers to the files that are closed and keep the closed filing system completely separate from the active files. By assigning new numbers to the closed files, you will not have the problem of shifting the files in the storage area when you later close a file that has a lower number. You, of course, will need a separate index for the closed files.

VIII. CLIENT RELATIONS

A. The attorney-client relationship is the most important aspect of any case. Unfortunately, this is probably one of the areas most ignored by attorneys and staff. A client wants to feel welcome when visiting your office. The client's legal experience with your office should be as pleasant as possible, but this is often not the case. Maintaining good attorney-client relationships will aid in preventing a malpractice claim from being asserted against you. A client who is satisfied with you and your work will be more understanding and willing to cooperate if you commit an error.

B. Here are a few ideas which will promote good client relations:

1. **Put the terms of the attorney-client relationship in writing.** State your specific responsibilities as well as the activities which you will not be performing for the client. Malpractice claims often involve a misunderstanding as to the attorney's responsibilities.
2. **Set your fee (in writing) as early as possible.** Have the client sign the fee agreement or engagement letter and keep a copy in the file. Answer any questions the client may have. Make sure he/she understands the arrangement completely.
3. **Do not create unjustified or unrealistic expectations for the client.** Do not give the client false hopes by blowing your own horn. Don't make the case sound easier than it is. Many attorneys give unrealistic expectations to their clients by making such statements as "Don't worry about a thing. I've got everything under control." or "This type of case comes up all the time. It shouldn't be a problem."
4. **Keep the client informed.** Send the client copies of correspondence and/or pleadings. He/she may not understand them, but will be happy you sent them anyway. Clients usually like to be updated as to the status of their case. If the case is to remain dormant for quite some time, you may want to notify the client and explain the reason for the delay.
5. **Return phone calls promptly.** There is nothing more aggravating than waiting for an attorney, or anyone else for that matter, to return a phone call. If you are unable to return the call right away, have a secretary or paralegal contact the client and explain the reason for your not being able to return the call yourself and ask if there is anything they can do to assist the client or take a message so that you can take whatever action is necessary.
6. **Decisions must be made by the client.** This is the client's case and all decisions must be made by him/her. Do not assume that you have authority to make a decision without first consulting the client. Make sure you give the client all of the necessary information so that the client can make an informed decision. Put all decisions made in writing, especially if the client insists on making a decision contrary to what you have suggested. If the client carries total responsibility for the decisions made, he/she cannot later blame you for having made the wrong decision if your files are properly documented.
7. **Employ proper office personnel.** Your employees have a great deal of contact with your clients. Office personnel should be courteous and understanding to the client's situation. Make sure your staff is capable of producing quality as well as quantity work.
8. **Confidentiality.** Office personnel is held to the same strict code of client confidentiality as attorneys. Advise your staff of their responsibility to maintain confidentiality. Many firms have staff sign a statement which explains the need for confidentiality so that all staff are aware of its importance (see the Staff Confidentiality section, below).

Don't take phone calls when a client is in your office. The client will feel that you will probably discuss his/her case in front of other clients as well. Don't leave client files out on your desk for other clients to see. This goes for staff members as well. Treat each case with the greatest of confidentiality.

9. **Personal involvements.** Attorneys becoming personally involved with their clients has become an increasing problem in North Carolina. Your firm should make it a general practice never to become personally involved with a client. If you are a party in a business venture, suggest that the business use an uninvolved attorney to represent its legal interests. If you attempt to be a partner in a business as well as serve as legal counsel, when things go wrong the other partners will turn to you to make them whole. Do not ask clients to invest in your personal ventures or those of other clients.
10. **Stay in your own back yard.** Do not accept a case that is outside your area of expertise. Do not accept a case for a friend if his/her case involves an area of law in which you do not normally practice. You should refer the matter to another attorney who regularly practices in that area of law. If you feel you must handle a case outside your expertise, be willing to either hire co-counsel (an attorney who is more knowledgeable in the area) or spend the additional time required to do the necessary research. Inexperience is no defense to a charge that you acted below the accepted standard of care. No matter what your experience, you will be held to the standards of attorneys who practice regularly in a given field.
11. **Choose your clients carefully.** Take a good look at your potential client and his/her case before accepting it. Do not accept the client who:
    - Expect unrealistic results.
    - Is out for revenge, is trying to defend a principle or is in too much of a hurry.
    - Has a case outside your area of expertise.
    - Has a case that is too large for your practice.

XV. STAFF CONFIDENTIALITY

A. Loose lips sink ships - and might well lead to ethical and malpractice problems.

B. Every member of a law firm, from senior partner to the file clerk, is under a strict obligation to protect the privacy and secrets of clients. Disclosure of a client confidence is one of the most serious errors you can make. Penalties could include immediate termination of employment and other disciplinary actions.

C. The duties of client confidentiality is broad. It is not limited to merely what the clients tell you. It also precludes unauthorized discussions of case strategy or evidence.

E. The law office is an exciting place. You're privy to information others don't have. You learn interesting things about prominent people. Resist the temptation to share this news with outsiders, including friends and family.

F. Following are some pointers to remember about client confidentiality:
    - Don't discuss business outside the office.
    - Never discuss one client's business with another client.
    - Beware of water cooler conversations. Can your chatter be overheard by other clients in the lobby? How about the lawyer waiting for a deposition to begin?
    - Don't talk to Oprah or Geraldo. Or the local newspaper or radio station. Decline to answer if a reporter calls to ask if your firm is representing a particular person. Decisions about what to say to the press should be made by the lawyer.
    - Remember the law is a profession, not merely a business. Clients pay good money for help with their problems. They deserve respect for their privacy.

- Be especially cautious in office sharing arrangements. Beware "gossip" with employees of other firms. Keep case files segregated.
- Remember that your duty of confidentiality continues even after the case is closed. It also continues after you leave the firm.
- Be wary when clients or strangers want to use your office or an attorney's office to make a few telephone calls. Make sure no client files or documents are visible.
- Never release information to callers such as a client's accountant or an insurance adjuster without authorization.
- Don't give out legal advice.
- Be careful when disposing of confidential papers, including rough drafts or duplicates. Use shredders or other secure disposal methods for sensitive materials.
- Never forget that the attorney-client relationship is built on mutual trust and confidence. Clients come to you expecting a form of sanctuary. You must honor that.

G. A good idea is for firms to require all employees to sign confidentiality forms, which are placed in personnel files. A blank copy of the form should be included in the office manual. The following page contains two examples.

LAW OFFICE MANUAL SUGGESTED TABLE OF CONTENTS

Chapter 1	**Introduction**
Chapter 2	**Organization, Management and Administration:** Firm resume, management committee/board of directors, confidential nature of legal work, code of personal and professional conduct.
Chapter 3	**Office Policies:** Equal opportunity employer, policy on sexual harassment, policy on disability, office hours, nepotism policy, charitable and political contributions, attorney publicity.
Chapter **4**	**Personnel Policies and Benefits:** Employee classifications, probation period, leaves of absence, AIDS/HIV and other life-threatening illnesses, termination of employment, smoking, substance abuse.
Chapter 5	**Information Systems:** Removal of file from the file room, conflict of interest information system, master calendar.
Chapter **6**	**Word Processing Services:** Work applicable for word processing center, submitting work to the word processing center, proofreading, standard office formats.
Chapter 7	**Duplicating Services:** Types and uses of available equipment, charges for and recording of copies made, out-of-office document reproduction services.
Chapter 8	**Office Security and Emergency Procedures:** Emergency procedures, medical emergencies, work injuries or accidents, data protection, disaster recovery.
Chapter 9	**Financial Management:** Timekeeping records, petty cash, cash advances and reimbursement of expenses, billing procedures, trust account.
Chapter 10	**Communication Systems:** Telephone system, facsimile machines, electronic mail, mail services, air freight and express services, messenger service.
Chapter 11	**Equipment, Maintenance and Supplies:** Furniture and equipment, maintenance requests, requests for new types of supplies or new products, photographic equipment, computers.
Chapter 12	**Support Personnel and Their Functions:** Principal switchboard operator and receptionist, office attendant, relief personnel, notaries public, litigation services.
Chapter 13	**Travel:** Automobiles, travel agency, reimbursement of travel expenses, taxicab vouchers.
Chapter 14	**Miscellaneous Guidelines:** Office news bulletin, charitable services and pro bono work, community and professional activities.
Index	

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CONFIDENTIALITY FORMS

CONFIDENTIALITY FORM A

It is the policy of _____ that matters related to the firm and its practice are not to be discussed in the presence of any unauthorized persons. It is understood that some of the matters in the office are sufficiently interesting to tempt personnel to engage in conversation that may breach the rule of confidentiality. Therefore, it is extremely important that everyone exercise extreme care in this area. The information received in the office is the private property of the client and aside from the embarrassment that would result from any unauthorized disclosure, there is the likelihood of creating legal liability and prejudice to the client's case. Additionally, attorneys keep sensitive material that may be of a confidential nature, either as to the firm, its personnel, to themselves, or to their clients. To avoid any violations of that confidentiality in the attorney's absence, under no circumstances should an attorney's office be offered for use to a client, vendor, or other unauthorized person without the consent of the attorney or his or her administrative secretary or, in their absence, the Director of Administration.

In addition to the client matters, some personnel must routinely handle pay and personnel information as a result of their normal duties. This information must be treated with the utmost sensitivity and confidentiality, A breach of confidentiality with respect to any client matter or internal matters, including pay or personnel, will be considered reason for immediate dismissal.

Name of firm: _____

This will confirm that I, the undersigned, have read and agree to abide by the provisions of the foregoing stated policy as it relates to the confidentiality and the law firm.

This the _____ day of _____, 20___.

_____
Signature

CONFIDENTIALITY FORM B

As an employee of (Law Firm), I acknowledge that I have been instructed regarding the confidentiality of all firm business, activity and records and except as required by law in the course of my duties, or where instructed in writing by management, I am aware that all firm books, records, files and memoranda are to be treated in strict confidence. I pledge that I will not disclose information relating to the firm, its business or its clients during my employment or after the termination thereof whether such termination be voluntary or involuntary. I understand that any breach of confidentiality will be grounds for my immediate dismissal as a firm employee.

This the _____ day of _____, 20___.

_____
Signature

_____
Witness

NEW TEAM MEMBER CHECKLIST – HR

Employee Information	
Name:	State date:
Position:	Manager:

Pre-First Day
☐ Send email confirming receipt of Offer Letter and New Hire form with instructions for first day.
☐ Hire the new team member into software program using the completed New Hire form which will trigger the workflow.

Human Resources Orientation – Given by:		
☐ Power Point presentation introducing the firm and review HR policies.		
☐ Policies Requiring Acknowledgement Page	Unlawful Harassment Trading in Securities	Management of Firm Information and Use of Information Processing Facilities
☐ Paperwork to Be Completed (Left Side)	First Day Information Form I-9 Emergency Contact Information W-4	Direct Deposit Pre-Tax Commuting
☐ Review Handouts (Right Side)	Firm Wellness Program EAP-[Insert Firm's EAP Company] Employee Dress Code	Safety & Security Manual Payroll Schedule Holiday Schedule

The undersigned hereby acknowledges that he/she has completed the HR portion of orientation and understands the policies and procedures reviewed during the presentation.

Signature _____ Date _____

Computer Training – Trainer:	Time:	Site:
☐ Hardware and software reviews performed including:	E-mail Intranet Microsoft Office System DM	Databases Internet Telephones

Introductions and Tours			
☐ Received introductions to department staff and key personnel during tour.			
☐ Lunch with Manager/Buddy			
☐ Tour of facility, including:	Restrooms Mail rooms Copy centers Fax machines	Bulletin board Parking Central office supplies	Kitchen Coffee/vending machines Human Resources Emergency exits and supplies

Benefits Orientation
☐ Reviewed Benefits Orientation Slide Show
☐ Review and Collect Paperwork

NEW TEAM MEMBER CHECKLIST – EMPLOYEE

Employee Name:			
HR Orientation			
☐ View First Day Presentation which includes an introduction to the firm and HR policies.			
Orientation Packet – Human Resources Department – [NAME]			
☐ Policies Requiring Acknowledgement Page	• Unlawful Harassment • Trading in Securities • Management of Firm Information and use of Information Processing Facilities		
☐ Paperwork To Be Completed (Left Side)	• First Day Information Form • I-9 • Emergency Contact Information • W-4		• Direct Deposit • Pre-Tax Commuting
☐ Handouts (Right Side)	• Firm Wellness Program • EAP- [Insert Firm's EAP Company] • Employee Dress Code • Safety & Security Manual		• Payroll Schedule • Holiday Schedule
Computer Training			
☐ Hardware and software reviews by IS, including:	• E-mail • Intranet • Microsoft Office System • DM		• Databases • Internet • Telephones
Introduction and Tours – Manager or Buddy			
☐ Received introductions to department staff and key personnel during tour.			
☐ Lunch with Manager/Department.			
☐ Tour of facility, including:	• Restrooms • Mail rooms • Copy centers • Fax machines	• Bulletin board • Central Office supplies	• Kitchen • Coffee/vending machines • Human Resources • Emergency exits • First aid supplies
Benefits Orientation			
☐ View Benefits Orientation Slide Show.			
☐ Received Copy of Benefits Highlights Handbook.			
	• Beneficiary Forms • Medical Enrollment Forms • Dental Enrollment Forms		

NEW TEAM MEMBER CHECKLIST – MANAGER

Employee Information			
Name:		State date:	
Position:		Manager:	
First Day – [Insert Date]			
☐ Prepare for new team member's arrival. ☐ Assign colleague(s) to answer general questions.			
Administrative Procedures			
☐ Review general administrative procedures.	• Office/desk/work station • Purchase request process • Requesting time off • Flexible scheduling option(s) • Reporting absences • Out of office protocols	• Attendance & punctuality • Time keeping (if appl) • Standard Meetings	
Introductions and Tours			
☐ Give introductions to department staff and key personnel during department tour.			
☐ Tour of department/floor, including:	• Managers office • Meeting rooms • Printers	• Filing cabinets • Common areas • Cafeteria	• Colleagues/team work areas • Emergency exits and Department supplies
Position Information			
☐ Introduction to team. ☐ Review initial job assignments and training plans. ☐ Review job description and performance expectations and standards. ☐ Review job schedule and hours. ☐ Review payroll timing, time cards (if applicable), and policies and procedures.			
Computers – [Insert Date]			
☐ Software reviews, based on job, including:	• E-mail distribution list • Meeting requests	• Data on shared drives	• Databases

EMPLOYMENT TERMINATION FORM

PeopleSoft Users Only:
Initials: _____
Date: _____

Effective Date _____ Employee ID _____ Office _____

Last Name _____ First Name _____ Initial _____

Last Day Worked _____

Termination Reason - Please Choose ONE:

Please select from these categories for NON-LAWYER departures:

- ☐ Attendance (ATT)
- ☐ Misconduct (CON)
- ☐ Death (DEA)*
- ☐ Job Abandonment (JOB)
- ☐ Misstatement on Application (MIS)
- ☐ Dissatisfied w/ Compensation (PAY)
- ☐ Dissatisfied w/ Company Policies (POL)
- ☐ Staff Reduction (RED)
- ☐ Partial/Total Disability (PTD)
- ☐ Dissatisfied w/ Promotion Opportunities (PRM)
- ☐ Resignation (RES)
- ☐ Unsatisfactory Perf. (USP)
- ☐ End of Temporary Employment (TMP)

Please select from these categories for LAWYER departures:

- ☐ Unsatisfactory Perf. (USP)
- ☐ Mutual Consent (MIT)
- ☐ Death (DEA)*
- ☐ Reduction in Lawyer Force (RIF)
- ☐ End of Temporary Employment (TMP) (e.g. Summer Associates & Contract Attorneys)

Resignation/Other Position: (Pick ONE from List)

- ☐ Law Firm (RLF)
- ☐ In-House Position (RIH)
- ☐ Public Sector (RPS)
- ☐ Other profession (ROP)
- ☐ Personal/Family (PER)

Exit interview scheduled on _____ with _____

***Please complete the following section for deceased employees:**

Contact Name _____ Relationship to Deceased _____

Contact Address _____ Contact City, State, Zip _____

Home Phone _____ Work Phone _____

Company Liaison(s) _____

_____

_____ _____ _____ _____

Supervisor/Director of Administration | Date | Human Resources Signature | Date

CONFIDENTIAL

EXIT CHECKLIST

Name _____ Office _____

The following is a list for your reference of items that will be discussed with you and items that need to be received from you prior to your departure from the firm. Please sign and return this form, along with the items listed in Section II, to _____ no later than **your last day of work.**

SECTION I - ITEMS TO DISCUSS WITH DEPARTING EMPLOYEE

- ☐ N/A ☐ Yes by: _____ PTO ☐ Accrued ☐ Used _____
- ☐ N/A ☐ Yes by: _____ Medical Benefits/COBRA
- ☐ N/A ☐ Yes by: _____ Life Insurance Conversion
- ☐ N/A ☐ Yes by: _____ Retirement Savings Plan Funds - [Insert Firm's Contact Information]
- ☐ N/A ☐ Yes by: _____ Outstanding Personal Expenses $_____
- ☐ N/A ☐ Yes by: _____ Outstanding Advances $_____
- ☐ N/A ☐ Yes by: _____ Outstanding Expense Reimbursements $ _____
- ☐ N/A ☐ Yes by: _____ Computer Security Process
- ☐ N/A ☐ Yes by: _____ Procedures Regarding References
- ☐ N/A ☐ Yes by: _____ Policies Regarding Client Files/Proprietary Work Product
- ☐ N/A ☐ Yes by: _____ Eligibility for Reemployment
- ☐ N/A ☐ Yes by: _____ Process for Receiving Final Pay/W-2
- ☐ N/A ☐ Yes by: _____ Electronic Court Filing Notification Changes
- ☐ N/A ☐ Yes by: _____ Other: _____

SECTION II - ITEMS TO BE RETURNED BY EMPLOYEE

- ☐ N/A ☐ Yes Resignation Letter
- ☐ N/A ☐ Yes Final/Signed Time Report
- ☐ N/A ☐ Yes Client Matter Data Sheets
- ☐ N/A ☐ Yes Lawyer Time Diary
- ☐ N/A ☐ Yes Lawyers'/Summer Manual
- ☐ N/A ☐ Yes Laptop/Disks
- ☐ N/A ☐ Yes Blackberry/Cell Phone
- ☐ N/A ☐ Yes Home PC Equipment
- ☐ N/A ☐ Yes Business Cards
- ☐ N/A ☐ Yes Nameplate
- ☐ N/A ☐ Yes Library/Firm Purchased Books
- ☐ N/A ☐ Yes Parking Pass/Access Key
- ☐ N/A ☐ Yes Security Pass/Building Keys
- ☐ N/A ☐ Yes Desk Drawer Keys
- ☐ N/A ☐ Yes File Cabinet Keys
- ☐ N/A ☐ Yes Other Keys
- ☐ N/A ☐ Yes Facebooks
- ☐ N/A ☐ Yes Long Distance Card
- ☐ N/A ☐ Yes Company Credit Card
- ☐ N/A ☐ Yes Westlaw ID Card
- ☐ N/A ☐ Yes Lexis ID Card
- ☐ N/A ☐ Yes Dictaphone
- ☐ N/A ☐ Yes Delete Phone Mail Messages
- ☐ N/A ☐ Yes Other: _____

ACKNOWLEDGEMENT/AUTHORIZATION: I have reviewed the information above and authorize the Firm to make a deduction from my final paycheck in the amount of $_____, as detailed on the attached itemized statement, and will repay the firm in the amount of $_____ within thirty (30) days of my termination of employment with [INSERT FIRM NAME].

_____ _____

Signature Date

WEEKLY TIME SHEET

Please Print. This Sheet Must Be Filled Out and Signed By Employee.

Employee Name: _____

Department: _____ Employee/Payroll #: _____

Week Ending	**Morning**		**Afternoon**		**Overtime**		**Total**	**Total**	
____/___/___	In	Out	In	Out	In	Out	Regular Hours	Overtime Hours	Overtime Approval
Monday ____/____/____									
Tuesday ____/____/____									
Wednesday ____/____/____									
Thursday ____/____/____									
Friday ____/____/____									
Saturday ____/____/____									
Sunday ____/____/____									

Weekly Totals			

EMPLOYEE'S SIGNATURE: _____ DATE: ____/____/____

SUPERVISOR'S SIGNATURE: _____ DATE: ____/____/____

THIS FORM MUST BE RECEIVED BY PAYROLL BY: _____ A.M. _____ P.M. ON _____ OF EACH WEEK	PAYROLL _____ DATE ____/____/____/

provided by FLORIDA STATE BAR LOMAS

LEAVE OF ABSENCE REQUEST: OTHER THAN REQUIRED FAMILY OR MEDICAL LEAVE

Name: _____ Date: ____/____/____
Department: _____ Hire Date: ____/____/____
Title: _____ Length of Service: _____

Status: [ ] Full Time [ ] Part Time [ ] Temporary Employee Payroll #: _____

To Be Completed By Employee

Leave to Start: ___/___/___ Expected Return Date: ___/___/___

[ ] With Pay [ ] Without Pay

All requests for paid or unpaid Leave of Absence must be accompanied by the appropriate documentation (e.g., Military, Orders, Subpoena, etc.)

Reason: [ ] Personal [ ] Jury Duty [ ] Military [ ] Education [ ] Other

Details: _____
_____
_____
_____

In cases other than leave requested for military or jury duty, I make this request for a Leave of Absence with the full understanding that: (a) my current job may be eliminated during the term of my leave of absence; (b) the vacancy created by my absence may be filled by another employee; (c) in the event that my current job is eliminated or filled by another employee, I may be considered for other positions within the company that would be comparable to my former position; and (d) in the event that no such comparable position is or becomes available during the one month period following the termination of my leave of absence, my status will be changed to that of a terminated employee.

I also understand that if I do not return ready to work on the above date or contact my Supervisor, I will be considered to have abandoned my job.

Employee Signature: _____ Date: ____/____/____

.....

Leave Approval

Supervisor: _____ Date: ____/____/____

Payroll Instructions

_____
_____
_____
_____

JOB/OFFICE EVALUATION

By: _____ Date: _____

Lawyer(s)
Legal Assistant(s) to Whom Assigned: _____

Please give us your thoughts about the office to help us identify problem areas, find reasonable solutions, and make the office a better place to work and your job personally satisfying. We would like your comments and suggestions about your work assignment and about the office practices generally. Please be as specific as you can. Completion of this form is not mandatory.

WORK ASSIGNMENT

How could your job be made more interesting?

How could your job be made easier and more productive?
(Examples: Supervisors to give deadlines for work. Give files with dictation.)

Would you like more responsibility? If so, in what areas?

What could you do for your immediate supervisors to make their work easier?

What could you do for your department to make it run more smoothly?

Do you feel you have good communication with your immediate supervisor(s)? With other lawyers, legal assistants, staff?

Do you know how well your work is received?

Do you feel there are any areas/skills you need to improve and/or do you have any goals or objectives for the next year?

General Comments regarding your work assignment:

OFFICE PRACTICES

What practices in the office would you like to see changed and why?

Please give any suggestions as to how the above could be changed.

Do you receive cooperation from other departments and personnel?

Please give any suggestions which you think would make this office a better place in which to work.

provided by FLORIDA STATE BAR LOMAS

PERFORMANCE EVALUATION FORM

Employee: _____ Position: _____

Supervisor: _____ Department: _____

Date: _____ Time in Position: _____

SECTION I - GENERAL PERFORMANCE STANDARDS

Consider each standard separately. Mark an X in the appropriate box which most reflects the evaluator's response. A substandard performance rating on any performance standard must be supported by specific comment in the space provided. Use additional sheets if necessary.

1. JOB KNOWLEDGE, SKILLS, AND ABILITIES: The knowledge, skills and abilities necessary to perform work satisfactorily.

- ☐ Does not have the basic knowledge, skills and abilities to perform work satisfactorily.
- ☐ Has the basic knowledge, skills, and abilities to perform work satisfactorily.
- ☐ Has exceptional knowledge, skills, and abilities to perform work.

COMMENTS:

_____

_____

_____

2. QUALITY OF WORK: "Customer" satisfaction; accuracy and caliber of work submitted; comparison of specifications or instructions to final output.

- ☐ Work is sometimes inaccurate or incomplete; fails to meet departmental standards.
- ☐ Work is usually accurate and thorough; work meets departmental standards.
- ☐ Work is consistently of excellent quality, accuracy, and detail.

COMMENTS:

_____

_____

_____

3. PRODUCTIVITY: Efficiently uses time through setting priorities; completes required objectives; average turn-around time on projects compares to agreed delivery.

- ☐ Works slower than expected; work is of substandard consistency and timeliness.
- ☐ Completes work on time, with consistency and efficiency; meets departmental standards.
- ☐ Quickly completes work, often ahead of schedule; effectively prioritizes works; exceeds departmental standards.

COMMENTS:

_____

_____

_____

4. RELIABILITY: Meets deadlines and promises to management and customers. Attendance and punctuality for work hours, meetings and other time commitments.

- ☐ Sometimes is not dependable and conscientious in performing work; unwilling to accept responsibilities.
- ☐ Consistently dependable and conscientious; usually accepts responsibilities; meets departmental standards.
- ☐ Extremely dependable; follows through promptly on all tasks; accepts responsibilties; exceeds job goals; show high level of initiative.

COMMENTS:

_____

_____

_____

5. COMMUNICATION: Quality and effectiveness of written and oral communication skills, both internally and externally.

- ☐ Communication skills impair work performance.
- ☐ Possesses the required communication skills and is effective in the position; meets departmental standards.
- ☐ Has excellent communication skills; very effective in verbal and written interactions.

COMMENTS:

_____

_____

_____

6. TEAM WORK/ WORKING RELATIONSHIPS: Ability to build effective relationships with peers, management, customers and outside contacts to positively affect Company objectives; considers others' ideas and suggestions both positive and critical..

- ☐ Has trouble getting along with other employees, supervisors, and the public.
- ☐ Has a generally positive approach in assisting others; maintains effective working relationships; meets departmental standards.
- ☐ Exceeds departmental standards; highly cooperative; works hard to promote positive work relationships.

COMMENTS:

_____

_____

_____

7. SECURITY/CONFIDENTIALITY: Adheres to the rules and regulations to ensure confidentiality standards are met.

- ☐ Fails to follow rules and regulations; falls below departmental standards.
- ☐ Follows rules and meets departmental standards.
- ☐ Exceeds departmental standards for mantaining security and confidentiality..

COMMENTS:

_____

_____

_____

SECTION II - JOB PERFORMANCE STANDARDS

This section is designed to be "job specific". Refer to the "Job Performance Standards" of the employee's position description. Briefly list the major job duties specifically related to the performance of this job. Check the standard which represents the employee's work performance. Additional job performance standards may be attached. In the comment section, provide information to explain and support ratings that indicate substandard performance.

BELOW STANDARD: Job performance generally falls below standards required for the position.
MEETS STANDARDS: Job performance satisfactorily meets the requirements for the position.
EXCEEDS STANDARDS: Job performance consistently exceeds the standards for the position.

	BELOW STANDARD	MEETS STANDARD	EXCEEDS STANDARD
1. Comments:			
2. Comments			
3. Comments:			
4. Comments:			
5. Comments:			

SECTION III - OVERALL WORK PERFORMANCE

Check the standard which matches the employee's OVERALL work performance. An overall work performance rating which does not meet "Job Requirements" requires specific explanation in the comment section. Explanation must include the specific job performance areas requiring improvement. Attach additional sheets as necessary.

- ☐ Performance needs improvement to meet Job Requirements.
- ☐ Performance meets Job Requirements
- ☐ Performance exceeds Job Requirements.

COMMENTS:

_____

_____

_____

SECTION IV - EMPLOYEE COMMENTS *

Comments are encouraged either agreeing, disagreeing or acknowledging the supervisor's evaluation. Attach additional information if needed.

_____

_____

_____

Employee's signature:_____ Date:_____

Supervisor's signature:_____ Date:_____

Chief Administrator's signature:_____ Date:_____

**Attach the Employee Self Evaluation Form to this Performance Evaluation Form before submitting.*

SECTION IV - EMPLOYEE SELF EVALUATION

EMPLOYEE NAME: _____ HIRE DATE: _____

SUPERVISOR: _____ TITLE: _____

1. List both goals and objectives set by your manager and those you set for yourself.

_____
_____
_____

2. What impact did you have on meeting your customers' needs? How did your performance against your goals and objectives contribute to the overall success of the Company?

_____
_____
_____

3. Comment on what goals and objectives were not accomplished and why. What could you have done to be more successful?

_____
_____
_____

4. Having reviewed your position description, do your areas of responsibility fit your position description? If certain areas do not, what adjustments do you feel should be made?

_____
_____
_____

5. Are there any areas of the operations of the department or Company which are a hindrance to your achieving your objectives? If so, can you provide suggestions for improvement?

_____
_____
_____

6. How do you feel about your career development with this firm and as comparable to similar positions in city/town?

_____
_____
_____

7. Suggest areas for professional, skills and/or career improvement and development.

_____
_____
_____

8. Where do you see yourself two years from now?

_____
_____
_____

Once this self evaluation has been reviewed by the employee and evaluator, it should be attached to the employee's Performance Appraisal.

OUTGOING FAX LOG

Date	Fax. No. (include area code)	Pages	Client/Matter	Charge No.

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TELEPHONE LOG

MONTH:_____20_____ (twentieth to twentieth of each month)

DATE	NUMBER	PLACE CALLED	PERSON CALLED	CLIENT

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ADDITIONAL RESOURCES

"LAW OFFICE POLICIES & PROCEDURES MANUAL." Hatoff, Howard and Wert. Robert. Published by the American Bar Association. Available via the NCBA priced at $103.95 for members of the NCBA and $129.95 for non-members at:
http://ncbar.org/cle/bookstore/ppm07.aspx

"LAW OFFICE PROCEDURES MANUAL FOR SOLO AND SMALL FIRMS." Dimitriou, Demetrious. Published by the American Bar Association. Available at www.abanet.org or by phone at 800.285.2221; product code 5110522. Price is $79.95 for members of the ABA and $69.95 for members of the Law Practice Management Section..

"NORTH CAROLINA SMALL LAW OFFICE RESOURCE MANUAL." Published by the North Carolina Bar Association. Available at: https://www.ncbar.org/cle/bookstore/slm11.aspx; member price is $199.00 for book. $279.00 for book and CD or $255.00 for CD. Other pricing options are available.