

Self-Audit Checklist

The purpose of this self-audit checklist is to help clarify areas of your practice that do not comply with best practices.

Please take a few moments to review all of the questions and make note of any areas that you would like to discuss more thoroughly. The last page allows space for your notes and clarifications.

We recommend that you discuss answers with all employees in the office to ensure that your actual office procedures are documented.

CLIENT RELATIONS

Your client relationships are the most important aspect of law office management. Examine your client relations efforts by asking the following questions.

	Yes	No	N/A
During the initial client meeting, do we establish communication guidelines and are we asking the clients how they want to be kept informed?			
Do we communicate the client's preferences to the team members and put a notation in the client file?			
Do we introduce all team members to the client at the onset of representation?			
Do we always discuss fees and billing procedures in the first meeting with the client to avoid surprises?			
Do we provide our clients with a written Agreement of Representation and/or fee agreement that include (Rule 1.5):			
a) Details regarding the scope of our representation?			
b) The basis or rate of the fee?			
c) The expenses for which the client will be responsible?			
d) Reminders that no specific result has been promised?			
e) Obligations of the client to the matter?			
Do we provide written contingent fee agreements, signed in duplicate by the firm and the client, where required by Rule 1.5? If so:			
a) Does the firm keep one copy?			
b) Does the firm retain proof that the duplicate copy has been delivered or mailed to the client?			
c) Does the firm retain a copy for 7 years after the conclusion of the matter?			
If the firm does contingent fee cases, does it use either Form A or Form B (SJC Rule 3:07, Rule 1.5)?			
If the firm uses Form B, does it obtain the client's informed consent, confirmed in writing, of the use of alternative provisions to Form A?			
If the firm uses alternative contingent fee agreements to Form A or Form B, does the firm explain those differences and obtain the client's written informed consent as required by Rule 1.5(f)(1-3)			
Do we have established telephone policies and procedures and do we explain to all firm employees the critical importance of handling all calls with professional courtesy?			

Do we return clients' phone calls and email within 24 hours?			
Do we send follow-up letters after a meeting or a telephone conversation in which new decisions have been reached?			
Do we follow up with clients at least every six weeks even when their cases are inactive?			
Do we ask the client for feedback as the matter moves along?			
Do we complete all work, in a timely fashion, which we told the client we would complete?			
Do we send a letter at the end of each matter telling the client our representation is complete and thanking them for the opportunity to serve them?			

CONFIDENTIALITY

	Yes	No	N/A
Do all new employees sign a confidentiality form acknowledging they have discussed confidentiality with you, read the relevant Rules of Professional Conduct, and will not breach the confidentiality of any client during and after their association with the firm?			
Do we make sure no client files or other confidential materials are ever left in the reception area?			
While conferring in person with clients, do we avoid taking calls or otherwise talking with other clients so as to protect client identities and confidentialities?			
Are the fax machines and copiers located away from areas where non-firm persons may be able to see confidential materials?			
If we are in an office sharing arrangement, have we taken steps to ensure that client confidentiality is protected by all?			

CONFLICTS OF INTEREST

Many law firms rely on the staffs’ collective memories to do their conflict of interest checking. This method rarely works accurately over any period of time. Every case handled cannot be so memorable that you will never forget every person involved. You should maintain a written conflict of interest system and keep it up to date. All staff members should be trained to use the system and conflict checks should be done prior to the discussion of any new matter with a client or potential client.

	Yes	No	N/A
Do we maintain and update a master contact list of current client, former clients, parties, employees and other individuals with cross references to files to facilitate researching possible conflicts of interest?			
Do we request information regarding other names (i.e., maiden, marital, etc.) that potential clients and adverse parties may have used in the past as part of our intake?			
Do we check our master list for potential conflicts of interest before interviewing the potential client about substantive facts and before accepting a new client or matter?			
Do we have a system to clear potential conflicts before proceeding with the client intake?			
Do we get a signed waiver from the client if representation is requested after a potential conflict has been discussed?			
Do we properly identify and record information regarding the adverse party?			

DOCKET/CALENDARING

Missing a filing deadline or court appearance can be extremely damaging to a client as well as cause embarrassment and a potential malpractice claim for you. Each firm member should maintain an individual calendar in addition to a master calendar for the entire firm. Answer the following questions to determine how well you are doing in this area:

	Yes	No	N/A
Do we maintain a master calendar?			
Do we keep individual calendars, i.e. attorney and secretary/paralegal?			
Does the master calendar and individual calendar include (as applicable):			
a) Statutes of limitations?			
b) All court appearances?			
c) Client and other appointments?			
d) All administrative hearings?			
e) Real estate closing dates?			
f) All litigation deadlines?			
g) All self-imposed, discretionary deadlines (i.e., promises made to others, promises made to you, and work deadlines you have set for yourself?)			
Do we always update and maintain each calendar in case of scheduling changes?			
Do we use reminders or tickler slips to draw the attorney's attention to an upcoming deadline?			
Do we use a system to follow up on assignments to team members?			
If the calendar is maintained on the computer, do we maintain a backup, printed or electronic, which may be used even if access to the computer is lost?			

RECORDS MANAGEMENT

The client file represents a record of the work you have performed for the client. It also represents one of the most frequently overlooked tasks in the office. Maintaining the files in an orderly manner that allows for efficient access to client information will save time and money and promote your professional image.

The following questions should help you determine the current status of your records management program:

	Yes	No	N/A
Do we have a standardized filing system for all client files?			
Are all materials filed timely and regularly (i.e., files are not piling up on desk or floor)?			
Do we follow a file retention schedule after a case is completed (i.e., when to close, when to review for destruction, what to return to client, what to keep, and for how long)?			
Do we store current records in a secure area and safe from water and vermin damage?			
Does each file have a log or diary of all the events of the matter including commitments to you and your commitments to others?			

FINANCIAL MANAGEMENT

Timekeeping, billing, budgeting, and financial recordkeeping and reporting are included under the financial management umbrella. All of these activities should be coordinated to produce an efficient accounting and recordkeeping system. Mastering the elements of financial management should give you a sense of control over the direction of your firm.

	Yes	No	N/A
Do we have documented timekeeping procedures?			
Do we train all timekeepers in proper timekeeping methods?			
Is time recorded at the time the work is performed?			
If not, when is it recorded?			
Do we use time and billing software?			
If so, what software?			

BILLING

	Yes	No	N/A
Are all expense disbursements posted to clients' files on a regular basis?			
Are all internally incurred expenses (postage, long distance, etc.) posted to clients' files regularly?			
Are all payments and credits posted to clients' files regularly?			
Are all entries reviewed for accuracy?			
Are all bills reviewed and approved?			
Are bills sent out on a regularly scheduled basis?			
Are the accounts receivable evaluated and followed up on regularly?			

TRUST PROPERTY AND TRUST ACCOUNTS

	Yes	No	N/A
Are client trust funds kept in a bank trust account (IOLTA) separate from operating funds in the operating account?			
Do we keep only minimum funds (less than \$150) belonging to the firm in the trust account?			
Are all other funds belonging to the attorney withdrawn from the trust account at the earliest reasonable time after the attorney's interest becomes fixed?			
Is the trust account named or titled with words, such as "IOLTA", "Trust", "Escrow", that indicate the fiduciary nature of the account?			
Do we only use prenumbered checks for withdrawals from the trust account?			
Are procedures in place to prevent withdrawals for cash or by automatic teller machine?			
Is a check register kept for each trust account documenting details of each transaction?			
Is an individual record kept for each client documenting all receipts and disbursements?			

Are bank accounts reconciled at least every 60 days?			
Are IOLTA account(s) subject to “three-way reconciliation” on a monthly basis?			
Are clients provided an accounting of funds upon final disbursement?			
Are all records related to trust accounts preserved for a period of at least 6 years after termination of representation and distribution of the property?			

FINANCIAL RECORDKEEPING AND REPORTING

	Yes	No	N/A
Do we prepare tax returns timely?			
Do we have cash handling and accounting checks and balances in place (i.e., division of responsibilities)?			

PROFESSIONAL PRACTICE (Staff responses not necessary)

These questions relate to several of the details of how the lawyers handle daily events on your matters. Your standards of care should be consistent and timely – that can be difficult with many interruptions.

	Yes	No	N/A
Do I give legal advice over the phone if I am not familiar with the client?			
Do I have a designated back-up attorney for my files?			
Do I regularly go to CLEs in my specialty?			
Do I discuss the recommended course of action with clients at a time and place conducive to a good exchange of information and questions?			
Do I document the client’s choice of action and so inform the client in writing?			
Do I notify clients of the results of motions on their cases and so document the file?			

TECHNOLOGY

	Yes	No	N/A
Do all our lawyers and staff use computers?			
Do we use a networked (if applicable) computer system that allows all users access to appropriate documents and information?			
Is everyone trained to fully use our software?			
Is the office locked every night to discourage theft?			
Do we use case management software?			
Is our email to clients marked "Confidential Privileged Communication"?			
Do we back up our data at least daily?			
Do we attempt periodic "restores" of data (to check if it works)?			
Do we use computer software and a firewall to prevent computer viruses, malware, and spam from infecting the computers?			
Do we need a password to access data?			
Do we have confidentiality agreements for cleaning services, contract staff, and computer maintenance vendors who have access to our computer systems?			

STAFF MANAGEMENT

A large part of a client’s impression of your law firm will come from the actions of your staff. It is critical to your success that your staff is well trained and motivated to provide excellent service to the firm’s clients. Your and your client’s welfare is often placed directly in your staff’s actions and decisions.

	Yes	No	N/A
Do we have a current office policies and procedures manual and follow it?			
Do we sufficiently train our employees when first hired as well as when major procedural changes occur, e.g. automation?			
Do we train employees in the ethical requirements of working in a law office?			
Do we ask employees to read the Rules of Professional Conduct, particularly Rule 1.6, Confidentiality?			
Do we offer our staff continuing education opportunities?			
Do we keep staff members informed and give them an opportunity to offer input regarding matters affecting them?			
Do we properly supervise employees by reviewing their work?			
Do we set a good example for our staff by creating, implementing, and monitoring dependable office policies and systems (i.e., docket/work control, conflicts of interest, good documentation, etc.)?			
Do we express appreciation to employees for work well done and make sure any necessary criticism is shared privately, in a timely and constructive manner?			
Do we acknowledge staff members for good client relations?			
Do we encourage and motivate employees to take pride and ownership in their work?			
Do we provide support and assistance for staff members in the handling of disrespectful, rude, and otherwise out-of-line clients and others?			
Do we keep our staff informed as to our whereabouts and schedule?			
Do we provide a “safe” office environment? This refers to both the physical space, as well as the office culture that allows for the questioning of work by anyone before it leaves the office without feeling that his/her competence is being challenged.			

