

The Bottom Line

The newsletter of the Illinois State Bar Association's Section on Law Office Management & Economics

Accommodating the mobile employee

BY ALEX RECHENMACHER

Since coffee chains around the country began offering free Wi-Fi to their visitors, entrepreneurs have welcomed the flexibility and (often) cost savings offered by the mobile work environment. Larger offices, including law firms, have been slower to adopt this trend in workplace habits, but nonetheless have begun to

embrace some of the benefits of offering employees the opportunity to complete their work away from the standard office atmosphere. No doubt there are advantages and disadvantages to this trend. However, employers willing to take the leap and let their workers conduct business in this way

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Birthing the baby: Making sure your baby grows up healthy

BY LETISHA LUECKING ORLET

So, you have opened your own law practice. You have all of your technology lined up. You have a business plan. You have a desk, computer, and phone. Now what? Now, you have to build your book. Grow! Network and start feeding your baby. This time, I am here to share with you various easy way to start growing your practice through networking, referrals, and a solid established workflow and system for running your law practice.

I personally hate the whole idea of networking. When I think of networking, I think of a bunch of stiff standing around,

introducing themselves to each other, and then jostling for a point in conversation to talk about themselves. That is about the last thing I want to do and I would bet a lot of you feel the same way.

I approach networking in what I think of as a grass roots, old school way. For me, networking is everyday interactions. I believe each person I encounter during any particular day has the potential to become a client. I try to treat everyone accordingly. I try to be nice and friendly with everyone and never rude...though

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Accommodating the mobile employee

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need to make important accommodations for this newer, flexible work force.

Reasons Many Employers are Inviting This Trend

Greater Flexibility

Allowing employees to work from home, a coffee shop, or (in the legal environment) from the courthouse or library removes many of the pressures and pains associated with traditional office culture. Workers feel the opportunity to work at a pace which is comfortable to them, and in an environment of their own choosing. More often than not, employers find that this leads to increased productivity and happier employees. Many clients have been happy to share the welcomed availability to reach their attorney after traditional business hours – something made more possible for attorneys who can conduct work from more places than just their usual desk space.

Reduced Downtime

This seems the most plainly obvious benefit, but workers with no defined workspace do not have to spend time commuting to or from work. An employee working from home can still choose to conduct work despite having days affected by minor illnesses, personal conflicts or other obligations which would normally require taking a day off of work entirely.

Reduction in Expenses. Certainly, most law practices (big and small) will benefit from maintaining a brick-and-mortar location to some extent. We still need a place to visit with our clients, store hard copies of files, and a place to hold meetings, depositions or other appointments. Nevertheless, a mobile workforce *which is managed efficiently* can mean a significant cutting of overhead expenses, reducing the needed square footage of leased office space, or less need for office amenities or travel expenses.

Taking the Leap: What Do I Need in Terms of Technology?

So you have decided to permit your employees to get work done away from the office. What needs to be done, from the management level?

The first and most understandable need is giving your employees the technology to conduct business wherever they choose to work. Indeed, the development of mobile technologies and software have been the catalyst for this trend in the first place. There are a few key technological categories law firms must consider in evaluating their business's technical ability to accommodate a mobile work force. [Note: These considerations apply to most attorneys dealing with typical transactional or litigation-type work. Firms working with large companies or highly-secure information should consult with IT specialists to assure proper security for their work.]

First, consider how mobile employees will be expected to communicate with their clients, co-workers and peers. Since smartphones first proliferated the market, a single device has permitted these workers to not only make and receive phone calls, but also to send and receive e-mail. Fax-to-email software providers (such as eFax or RingCentral) now permits employees to receive and send facsimiles in PDF form, even using their phone. In addition to absorbing these older methods of communication, these devices have stimulated newer ways of connecting with each other, such as text messaging (obviously), but also video conferencing, and screen-sharing collaboration tools.

Some services even provide workers the ability to separate their work and personal calls on a single device. Google Voice and Grasshopper allow companies (for low or no cost) to provide employees with a separate work number and use their phone application to make or receive calls through that second number.

Document creation and development

The Bottom Line

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is an important consideration as well. While most phones now have the software to allow users to create and share most word processing formats or other readable documents, laptops and tablet computers (with full keyboards, a decent screen size and a non-mobile operating system) remain the most ergonomically acceptable tools to efficiently create and edit the documents lawyers need to be able to use day to day. Mobile employees must own, or be provided, these tools.

Secure document sharing has been one of the primary concerns, especially in the legal world, with letting employees conduct business away from the office. Thankfully, the last three to five years have seen incredible advancement in user-friendly cloud computing that allow individuals to save documents to secure, off-site servers which are accessible from anywhere with an internet connection. Importantly, word processors and other document software had caught up to the trend, and documents can be created and edited completely without saving a local copy of the document on your hard drive. Not only does this save a lot of money on your IT costs, but it permits a great deal of collaboration on team projects and cases. Google for Work, Microsoft Office 365 and Apple for Work are your software leaders here.

Law firm management and billing software has come a long way in the past decade from the days of bulky and expensive desktop applications. Many providers, like Clio, Smokeball and Mycase have been pushing the envelope for sometime, but many providers have caught up and now offer software that allows cloud-based practice management, from time-keeping and record management to billing software, or at least capably syncs with software you probably already use.

Besides Technology, What Else Should I Consider?

Permitting your employees to work away from home is not simply about giving them the technological tools necessary to get work done. Here are a few other considerations still plaguing law firms dealing with this new trend:

Meeting space

Attorneys may be able to work from home, but that does not mean that they do not ever have to come visit the office to meet with a client or get some work done. Instead of offering the traditional office and desk space, offices can provide flexible meeting spaces and work stations that are not occupied by full-time on-site staff. Hand in hand with this is the ability for employees to easily reserve and use the meeting space.

Encouraging collaboration

When in the office, it is important to remind mobile employees that they are part of a team. Encourage employees to consider utilizing paralegal staff and their fellow attorneys when working on a case. It is important for them and for their clients that they not feel isolated from the personnel and resources that the firm can provide.

The client experience

Regardless of how personable your mobile employee might be, it is important for your brand and your reputation that the firm's clients come to know the firm – outside of that employee. Make sure your employee's clients still have the opportunity to meet the rest of the office staff and give feedback.

Overall, the mobile workplace is a still-recent sociological development. For those employers in the legal world interested in this trend, you may see significant returns in pursuing this and you may not. But, properly managed and carefully executed, several firms are finding that this can be an exciting new way not only to run an efficient, 21st century office, but also to attract some of the newer talent coming out of law school. ■



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Birthing the baby: Making sure your baby grows up healthy

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we all have a bad day. Most importantly, I am me. I am true to myself as a person and never try to be someone I am not. My main objective has always been to treat people well and develop personal relationships with them. I feel like this builds trust and will keep them coming back to me for all of their legal needs. I am proud to say that this approach has been working well for the great majority of my client base.

Volunteering within the community is another great way to network. You should be careful when taking this approach. It does no good if you just join a bunch of civic organizations and then do little to nothing for the group. It is much better for you to choose one or two organizations that actually interest you and then PARTICIPATE. This is important so I will repeat it....you need to PARTICIPATE! If you do not participate, no one will get to know you. This is why you choose an organization that interests, motivates, and inspires you. For me, I am actively involved in the Chamber of Commerce and the Historical Society. I am on the board of directors for each of these organizations and a volunteer quite a lot of time with each organization.

By approaching it in this way, I have managed to build meaningful relationships with the other members of the board and organization. These people get to know me as a person, as a volunteer, and as a lawyer. They see that I am just a person with my own set of personal issues to deal with regularly. They see how hard I work for the organization and how I manage my time between work, volunteering, and home. They also see my legal ability as well because, as I am sure you know, someone always has a legal question. I will admit that I give a lot of free consults to people because of this approach. But, I do it because I am building relationships and, as a result, referral sources.

Volunteering within the legal community is also important. Give back to your law school, if you can. The school

usually needs volunteers for mock trial competitions, organizations, and with various clinics. This keeps you in touch with professors (most of whom have more connections that you will ever know), new students, and practitioners in the area. Remember, you are out there doing something that you enjoy and making new friends everywhere you go. In the beginning, you will likely want to write down this information as you meet people, etc. But, as time goes on, you will be surprised at how well you remember everyone. Giving your time and expertise to an organization such as Land of Lincoln is commendable. You can do pro bono cases for them and/or sign up as one of their contract attorneys for which you are paid a reduced hourly rate. You should also contact the court and sign up to take conflict cases. This will allow you to practice law while getting to know the local attorneys. Again, this typically pays at a reduced hourly rate.

It is important that every attorney you meet knows what kind of law you practice and you know the same of that attorney. This will enable you to start building your referral network. If you do not do criminal work, get to know an attorney who does and then you have someone to whom to refer the work. Find a personal injury attorney to whom you can refer cases—these often pay a cut to you once they are settled. Get to know these people and then they will refer cases to you as well. Often times, you are able to build a nice practice based upon these types of referral situations. Be sure to consult Rules of Conduct 1.5 regarding fees and referral fees so you do not violate any ethical rules.

Another good source for referrals is your clients. When you work hard for your clients and do a good job, your clients notice. They will be impressed and recommend you to their friends. This is really the easiest type of referral because you are already doing good work! Be sure to consult Rules of Conduct 7.2 and 7.3

regarding advertising and solicitation so you do not violate any ethical rules.

As you are building your book of business, it is necessary for you also to build your systems and processes. A truly solo practitioner has to do everything herself. Building a system for completing tasks at the office is important because it will allow you to automate tasks and documents where you can as well as ensure that you are completing the same tasks in the same way every time. You begin to form your ordinary course of business and you will be able to rely on the fact that when you do A, then you always do B...so B will be in the system as completed.

Each time you do something new, I would suggest you keep a list of what it is and what you had to do in order to complete the task. For example, sometimes I have to set up a wage garnishment for a client who has a judgment already. There are rather specific rules as to what you do, the number of copies you provide and to whom, how the information is delivered, etc. I have a document that I call "comprehensive procedures." The first time I completed a wage garnishment, I listed out all of the steps and procedures in my "comprehensive procedures" document so that I would not have to look it all up again in six months when I was asked to complete another garnishment. This saves time plus I look a little smarter to my client when he or she calls and I am able to pull up my instructions as my client is explaining what he or she wants. I have the answer at the tip of my fingers.

Establishing your own systems takes time but will pay off in the end. You should establish a system for onboarding new clients—including a welcome letter and information collection form, collecting retainers, collecting consultation fees, establishing the paper and electronic files, closing the client file, sending closing letters, collecting your final fee, and refunding retainers. Establishing a specific method for handling these things in

particular will make your daily workflow better and more consistent. This is important because you will be able to work faster. A true solo has so many different things to handle at once so streamlining and standardizing the way you do things will make them habitual and you will not forget to do things.

This is the roadmap I used when starting and continuing to grow my practice. It was, and still is, a lot of hard work, but my business grew in leaps and bounds and continues to grow to this day. I am extremely busy and some days it is hard for me to keep up with everything I need to do in a day. Things go wrong regularly

and I make mistakes, but I deal with it and keep on moving and growing. You will go through the same and you will grow your practice according to your own dreams and goals. I hope you find this helpful and if you have questions, please feel free to contact me at lorletlaw@gmail.com. ■

Dramatic and wide-ranging changes in the Chicago employment landscape

BY MASON COLE

As attorneys, our clients look to us to provide guidance on all aspects of their business and personal lives. Similar to the analogy holding the best barber possesses the unkempt hair, sometimes even lawyers forget to maintain constant scrutiny over their own hiring practices. This lack of attention is compounded by ever-changing employment laws and guidelines put forth by the Department of Labor. Not only must we remain vigilant in order to properly advise our clients regarding the constantly changing political and economic landscape, but we also must confirm that our own employment practices are up to code. Many members of the Illinois State Bar Association operate small firms ranging from one to fifteen employees, and we rarely take notice of the Department of Labor's regulations which seemingly only affect large employers. However, the recent Department of Labor significant restriction, only to be followed by a dramatic clawback, provide all litigators and legal professionals a reason to review our employment manuals with a fine-tooth comb.

The Fair Labor Standards Act ("FLSA") is the bane of many an employment attorney's existence.

The FLSA provides the Department of Labor wide authority to create nationwide, federal mandates on a variety of employment issues. Ranging from overtime, to minimum wage, to

discrimination protections, the Department of Labor has almost unilateral authority to determine federal benchmarks for how state governments must monitor and prosecute employment violations. State governments may then create even more stringent protections, but the state cannot decide to abstain from adhering to the federal benchmarks or enact benchmarks which are less strong or more opaque.

The Department of Labor, supported by the US Congress, attempted to increase the standard salary level for overtime exemption from \$23,660 to \$47,476 (the "Overtime Floor"). Therefore, if your salaried employee makes under the Overtime Floor, he or she must be paid overtime for any hours worked beyond 40 in one week. Previous misconceptions include believing that working an employee 45 hours could mitigate the overtime obligation if she works 35 hours the following week (FALSE). The previous Overtime Floor of \$23,660 pro-rates out to \$11.38 per hour if working 40 hours per week, 52 weeks per year. The new Overtime Floor pro-rates out to \$22.93 per hour utilizing the same metric. Although this protection was designed to protect the employee by forcing the employer to provide mandatory overtime, the initial anxiety surrounding Chicago businesses has provided far-reaching implications.

Our office surveyed a variety of businesses via relationships with the

Lakeview Chamber and the Small Business Advocacy Council. Instead of showing comfort that employees would benefit from these new protections, business owners shared a common anxiety over how Illinois courts and administrative agencies would interpret the new rulings. As a result, instead of adhering to the new rulings, owners expressed two possible outcomes for employees covered by the FLSA. First, owners considered raising their employees pay to the new Overtime Floor. Although this would increase the salaries of certain exceptional employees, the costs would necessarily be shouldered onto the consumer. For restaurants and small retail locations, the owners feared losing a large portion of their business to larger competitors that could shoulder the overhead increase.

Second, owners who did not want to adhere to the increased salary, they attempted to compensate by lowering the hours worked by the previously covered employees. For example, instead of occasionally working their employees over the 40-hour threshold, these same employees would now see a drastic cut in their hours. Most businesses surveyed indicated a sharp drop to 30 hours per week, or even lower. Instead of hiring one employee for 40 hours, many businesses considering the hourly drop expected to hire two employees for 20 hours per week.



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Texas District Court Rejects Department of Labor Regulations

And then on November 22, 2016, the pending regulations were summarily rejected. The court ruling does vent relief expressed by business owners across Chicago. However, the Texas court's ruling provides merely an injunction to the Department of Labor's regulations.¹ The injunction, implemented by U.S. District Judge Amos L. Mazzant buys the court more time to provide a final decision. Many local businesses challenged both the constitutionality and the economic effects of the rule, arguing that the Department of Labor's authority within the FLSA does not enable complete control over employers to offer overtime to employees below the Overtime Floor.

The Labor Department issued a strong rebuke to the November ruling. The Department issued the following rejection, stating:

We strongly disagree with the decision by the court, which has the effect of delaying a fair day's pay for a long day's work for millions of hardworking Americans. . . The [D] epartment's overtime rule is the result of a comprehensive, inclusive rulemaking process, and we remain confident in the legality of all aspects of the rule. Consumer advocates and union groups initially viewed the regulations as a "major victory for low- to middle-income workers. Before the latest action, the regulation had not been updated in more than a decade. Supporters of the rule said many workers who put in 50 to 60 hours per week may end up earning less than minimum wage after all of their hours are factored in."²

But the Department of Labor's official position may drastically change in the next three months.

Legislative Variance may Dilute Employee Rights with a Trump Presidency

President Obama issued a variety of employee-favored mandates and supportive legislation during his tenure. Now President-Elect Donald Trump hints that his Cabinet may attempt to repeal many legislative and executive-mandated proposals in order to benefit job-growth and employer authority. Mr. Trump recently nominated restaurant chain executive Andy Puzder to be Labor Secretary. Mr. Trump said in a statement regarding Mr. Puzder's immediate goals as Secretary:

Andy will fight to make American workers safer and more prosperous by enforcing fair occupational safety standards and ensuring workers receive the benefits they deserve, and he will save small businesses from the crushing burdens of unnecessary regulations that are stunting job growth and suppressing wages.³

So where do we go from here? Although a Trump presidency signals a business-favored economic policy, the Department of Labor indicated it intends to fight the November ruling. As not only employment attorneys, but small practitioners, we must

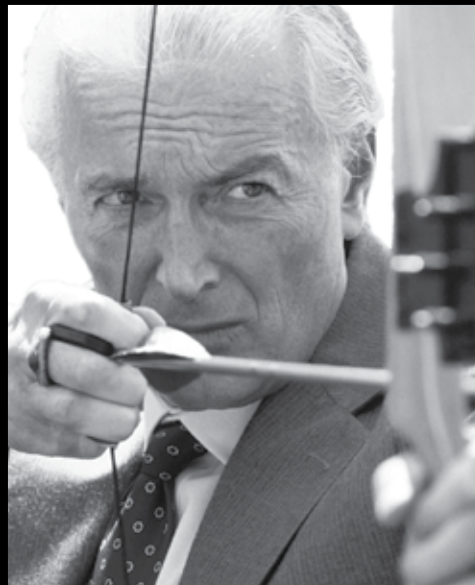
remain vigilant to provide our clients up-to-the-minute advice. Because legislation and litigation is presenting up-to-the-minute changes, that obligation remains challenging to uphold. ■

1. *Nevada v. Department of Labor*, 4:16-CV-00731 (Issued November 22, 2016).

2. Marte, Jonelle. "Judge halts federal rule that would have expanded overtime pay to millions of workers." *The Washington Post* (November 22, 2016). <https://www.washingtonpost.com/news/get-there/wp/2016/11/22/judge-halts-federal-rule-that-would-have-expanded-overtime-pay-to-millions-of-workers/?hpid=hp_hp-more-top-stories_overtime-0920pm%3Ahomepage%2Fstory&utm_term=.0e5b15c933dc> (last visited December 12, 2016).

3. Jackson, David. "Trump taps fast food exec as Labor secretary." *USA Today* (December 9, 2016).

Mason Cole founded Cole Sadkin, LLC as a corporate practice providing litigation, transactional, employment, intellectual property, and venture capital needs for Chicago businesses. Cole Sadkin has offices in both Chicago and New York. The firm serves on the board of the Small Business Advocacy Council, which is a non-partisan business advocacy organization serving Illinois businesses. The firm also serves as legal ally for the Lakeview Chamber, which is a non-partisan business chamber serving businesses within the Lakeview neighborhood.




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Effective communication between attorney and assistant leads to better work product

BY ELISHA S. DEEN

As an attorney, it seems that no matter how many hours in a day are spent working, more work is always knocking at the door and the workload never truly lets up. To make matters worse, some clients fail to understand that their case is not the only one the attorney has to handle. The phone calls and emails roll in one after another, clients drop in unexpectedly, and deadlines are always looming. From menial tasks to thought-intensive work that requires complete focus, there is never enough time to do everything on the to-do list. What is an attorney to do?

Luckily, there are legal assistants. As a young associate attorney--who is subject to being delegated endless tasks--I have come to realize the importance of having a highly skilled legal assistant that can assist me with some of my duties. This is especially true when it comes to preparing deposition notices and status letters, requesting medical records, and responding to clients. Having a sharp, hard-working legal assistant or paralegal is an extremely valuable resource. An exceptional legal assistant can make an attorney's day run much smoother and improve the overall work product of the office. However, an attorney's role in communicating with a legal assistant plays a large part in the legal assistant reaching his or her full potential and optimal level of productivity for the office. Even the most well-trained and educated assistant cannot read your mind. Employing this elusive exceptional assistant does not occur overnight or by merely hiring a good applicant. Rather, the attorney employing the assistant must invest in making the assistant become exceptional. This article focuses on the many useful ways that I have found to effectively communicate with an assistant so that the cumbersome list of tasks that must be completed will be done effectively

and efficiently.

One of the most important ways to effectively communicate with your assistant is to adequately explain the task. It is easy to forget that what may be going through your mind often differs from what is flowing from your mouth. I have found it helpful to write a brief note regarding the task in order to convey my basic thoughts about what needs to be completed. My little post-it notes are especially useful if the assistant is busy or when the task is relatively complex. The notes provide a constant reminder of my thoughts and allows my assistant to formulate more informed questions if needed.

Office operations can be streamlined by having set procedures for the way you want things to be done. This can reduce the need for simple questions about where things are and what clients should be made aware of by letter. For instance, if you tell your assistant that you want certain mail items (i.e., notices of depositions or hearings) to always immediately be placed on your calendar. With this method, there is less chance of that notice sitting around and never being added on the calendar while your assistant is waiting for you to look at the mail and thereby running the risk of missing the important date altogether. Another way to ensure open lines of communication is to include the assistant in day to day correspondence. You can keep your assistant in the loop by copying her on emails (don't just expect her to know what is going on because you happened to see opposing counsel at last night's ballgame and you agreed to get deposition dates in your mutual case). Also, when assigning a task, give a deadline or approximate date of completion. Advise her whether the task is high or low priority. And, preferably, give ample time for her to get it finished without rushing. There is no worse feeling than

having a high priority task thrown at you at late in the afternoon and being told it must be finished by tomorrow's 8:00a hearing amidst all the other duties which need to be completed. An assistant who is allowed adequate time to prepare a document is much more likely to do it right and not miss important details due to short time constraints.

If your assistant is new to the legal field, or perhaps new to the type of law you practice, help him or her out by providing basic, relevant information. Suggest documents she could read to better inform herself to complete the tasks assigned. Just because she did not attend law school does not mean she is uninterested in the case, the research, or the end goal. For example, if you practice workers' compensation, give her a copy of the handbook to read. She will likely pick up on things that will help her to better understand and therefore better serve the client. Gaining a basic legal understanding of the big picture and learning procedures helps an assistant to anticipate what is next.

Give feedback! Constructive criticism is a good thing for everyone. If your assistant does a particularly good job summarizing a deposition transcript, tell her. Point out the ways in which she really captured the important parts and how those parts are helpful to you and the case. If your assistant botches something, it may be because she failed to fully understand what was being asked. Provide clarification on what she should have done differently and why. An attorney who is willing to put on the "teacher hat" will reap the rewards by having an assistant who really knows what is going on.

Another way to provide education to your assistant is by sending her to that useful seminar coming up. For example, if your firm has decided to start taking

social security cases, and that assistant will be dealing with the administrative work, include the assistant on any seminars that you may be attending. Having the assistant attend a seminar will not only get her up to speed on what is expected both in the short and long term, but will give her confidence in her ability to perform future tasks as well as provide a sense of responsibility by arming her with knowledge.

Perhaps one of the most important tasks an assistant performs is managing your calendar. She obviously knows what is coming up workwise because she schedules your depositions, hearings, etc., and adds them to the calendar. However, you should also keep her apprised, generally, of what you have on your personal calendar so that she knows what dates are not good for scheduling meetings and

depositions. Details of your social events are not necessary, but providing general information, such as when your kid has a ballgame and you know you will be home extra late, will let her know not to schedule a deposition for 8:00 the next morning. You will be happy you did when you are alert in the deposition rather than wishing you had an IV bag of caffeine and struggling to focus on what objections you may need to make.

Lastly, take some time each day, or even once a week, to sit down and have a one-on-one planning session with your assistant. This will allow everyone to get a grasp on what is coming up that day or week, what documents need to be prepared, and allows time to review cases to ensure things are getting done on time. When you are both reviewing cases, it is less likely

that something will be forgotten and left to the wayside. As the old-adage goes, two heads are better than one. I have found that applying this daily or weekly routine has benefited my clients and myself.

Overall, having an efficient legal assistant or paralegal will produce undoubtedly better work. That is so because the attorney can trust that delegated tasks are getting done. In turn, the attorney can focus on his or her own tasks like research, drafting motions, and even thinking up ways to bring in more clients without the need to constantly provide guidance. ■

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Working with the difficult client

BY STEPHANIE E. GREENBERG

In my practice area of Family Law, dealing with a client that is *not* difficult can sometimes feel few and far between. However, I have come to realize that there are different types of difficult clients and that most all attorneys deal with these people at one time or another. Implementing the following rules or ways in which to deal with these individuals can oftentimes save you from headaches down the road.

Manage the Client's Expectations

This is probably the most important item to implement. It is of course important to manage client expectations regardless of the client's personality type. However, when you are dealing with a difficult personality, this becomes even more crucial. Keep in mind that it is your role, as an attorney, to provide advice and potential solutions to issues the client is facing. It is *not* your role to tell the client which solution to implement – this is solely their decision.

Managing client expectations should begin at day one, when the client first consults with you. Make sure to get a clear idea of what the client expects to happen with their case and what their wishes are. If you understand this from the beginning, you will be better prepared to advise them regarding what is possible and what may simply be unlikely or impossible in their case.

Many times clients have unrealistic expectations about billing, communications, amount of time their case will take, and the outcome of their case. There are steps you can take to handle each of these situations. First, frequent, detailed billing for clients that may not understand how a retainer works or exactly what they are being billed for can be useful. That way, if there is an issue, it can be addressed when the first bill is sent and hopefully resolved. Second, clients often believe that they can call or email you regularly at no charge. This can be resolved by explaining

to the client, at the time you give them the retainer agreement, that they will be charged for emails and telephone calls. Third, clients oftentimes believe their case will be wrapped up rather quickly and are surprised and unhappy when their case appears to be taking longer than they expected. Having an honest conversation up front about how long they can expect their case to last is always helpful. Although an attorney rarely, if ever, knows the precise amount of time a case will take, a general ballpark (ie: "your case will likely last at least one year" or "you should expect that your case will take longer than six months") of how long the case will take, can help alleviate a misunderstanding. Finally, a client may expect a certain outcome with their case and assume that the attorney will get them everything that they want. Be sure to never guarantee your client any outcome and do your best to explain the possible scenarios and outcomes to the client so that they are not shocked and disappointed in

the end.

I asked an attorney colleague how she manages client expectations and she responded: “you have to communicate with them on a regular basis and ensure that you give them a realistic picture of the possible outcomes. Being responsive and transparent is extremely important.” She went on to say that the most important ways to deal with client expectations are “responding quickly and checking in with them to make sure they are doing ok”.

Cover Yourself and be Clear in Communications

Particularly for difficult clients – ones that may not trust you or are unrealistic in their expectations, it is imperative to protect yourself by putting everything in writing (or, as we attorneys like to say, send a CYA letter). The more you provide the client with clear, written communications, the less likely it is that there will be a misunderstanding.

I have found it helpful to document almost every conversation in writing. For instance, if I have a telephone conversation with a client that I find particularly difficult, I will send that client an email following the call with a recap of what we discussed. This way, nothing that was said can be misconstrued. I will also create subfolders in my email system for clients where I save all of our communications. That way, if there is ever an issue, I can easily locate all of the correspondence between myself and that client. Most importantly, I make sure that my written communications include the specific advice I may have given the client so that it is very clear.

Manage the Tone of the Relationship

Sometimes you may find you have a client that is excessively angry and/or disrespectful. Although at the outset it may seem that this would be the most difficult personality type to deal with, there are some ways to keep this type of client under control. First, it is important not to become angry or disrespectful towards the client in reaction to their behavior. Staying calm and clear is always ideal. Second, tell your client directly that their behavior towards

you is unacceptable. Although you are working for this client and they are paying you, it does not give them a green light to treat you in a disrespectful manner. Be up front with the client and inform them that you will not tolerate their behavior and, if they continue, the relationship may need to be reevaluated. I have found that in my practice, being honest and direct in addressing this behavior with clients almost always rectifies the situation.

Don't Take the Client or Fire the Client, if Necessary

This is often a difficult decision for attorneys to make, particularly ones that are just starting out in their practice. However, there are instances where you should consider not taking on a client. When a client comes in or phones the office for a consultation, there are some red flags that every attorney should look for.

One red flag is when a potential client mentions other attorneys. This is not to say that every client that comes into your office that has worked with a prior attorney should immediately be turned away. However, if the client mentions multiple previous attorneys (say 3 or more) this may be a red flag that this client will be exceptionally difficult. This client was likely unhappy with all of their previous attorneys because they were not getting the client everything that the client wanted. As attorneys we know that getting a client every single thing they want is extremely difficult, if not impossible. If a client refuses to accept the big picture and the recommendations from multiple attorneys, you will likely find yourself in the same position as this client's previous three counsels: fired.

Another red flag is when a potential client begins discussing the possibility of an ARDC suit against a prior attorney. There may be instances where a client's previous attorney really did act egregiously and breached our rules of professional conduct. However, many times a client will bring this up simply because they are unhappy with the results they were seeing with their case, not because their attorney did anything wrong. Instead of finding yourself embroiled with the ARDC, save yourself

the headache and do not take on this client in the first place.

The final red flag I will mention here deals with money. If a potential client comes to you and offers to trade services for representation, asks to pay in installments promising the remaining money later, or asks for a discount, consider not taking on this client in the first place. These clients can be particularly hard to turn down when you are just beginning your practice. However, this will almost certainly turn into a headache later when you will need to withdraw from the case because the client has not or will not pay or, at the very least, require extensive and frequent requests for payment to the client.

All of the above are circumstances where attorneys should potentially consider not taking a client's case in the first place. What happens when you took on the client but there become problems down the line? In many instances, simple disputes between clients and attorneys may happen but are relatively easy to solve. These can include anything from a dispute over a specific charge on an invoice or issues over the settlement figure in a case. Oftentimes, these disputes are worth solving and firing the client is not necessary.

In some instances, however, it may be necessary to part ways with a particular client. I have found that terminating a relationship with a client is something I consider in two specific circumstances: (1) when the client does not trust anything I say; or (2) when the client has extremely unreasonable expectations regardless of my advice. While the step of terminating a relationship should never be taken lightly, if you find yourself unable to move forward with a client because they will not accept your advice and expertise, it may be necessary to end the relationship. ■

Stephanie E. Greenberg is a partner at Greenberg & Sinkovits, LLC in Chicago, Illinois. She practices in the area of Family Law representing individuals going through divorce providing customized solutions to help her clients achieve peace of mind and move forward with their lives.

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March

Wednesday, 3-1-27 – Webcast—A
New Summary Judgment Standard for
Discrimination Cases: *Ortiz v Werner*
Enterprises, Inc. Presented by the Labor &
Employment Section. 1:00 – 2:00 pm.

Thursday, 3-2-17 – Webinar—
Introduction to Legal Research on
Fastcase. Presented by the Illinois State
Bar Association – Complimentary to ISBA
Members Only. 12:00 – 1:00 pm.

Thursday, 03-02-17—Chicago, ISBA
Regional Office—Family Law Table Clinic
Series—Session 4. Presented by Family Law.

Friday, 03-03-17- Chicago, ISBA
Regional Office & Webcast—8th Annual
Animal Law Conference. Presented by
Animal Law. 9:00 a.m. – 5:00 p.m.

Wednesday, 03-08 – Live Webcast—
Life After High School: Post-Secondary
Transition Options and Education
Protections for Young Adults with
Disabilities. Presented by the Standing
Committee for Disability Law; Co-
sponsored by the Education Law Section.
10:00 am – 12:00 pm.

Wednesday, 03-08 – Webinar—
Engagement Letters, Timesheets & Billing
Tips. Presented by the Committee on Law
Office Management and Economics. 12:00
pm – 1:00 pm.

Thursday, 03-09-17 – Webinar—
Advanced Tips for Enhanced Legal
Research on Fastcase. Presented by
the Illinois State Bar Association –
Complimentary to ISBA Members Only.
12:00 – 1:00 pm

Thursday, 03-09 and Friday, 03-10—
New Orleans—Family Law Update 2017:
A French Quarter Festival. Presented by
Family Law. Thursday: 12:00 pm – 5:45 pm;
Reception 5:45- 7:00 pm. Friday: 9:00 am –

5:00 pm.

Tuesday, 03-14-17- Webinar—Matter
Management Software- Why Outlook Isn't
Good Enough. Practice Toolbox Series.
12:00 -1:00 p.m.

Wednesday, 03-15-17- Live Webcast—
Economic Development in Your
Community: Learn from the Leaders.
Presented by Local Government Law
Section. 1:00 pm – 3:00 pm.

Thursday, 3-16-17 – Webinar—
Fastcase Boolean (Keyword) Search for
Lawyers. Presented by the Illinois State
Bar Association – Complimentary to ISBA
Members Only. 12:00 – 1:00 pm.

Wednesday, 03-22-17- Live Webcast—
Housing Justice v. Housing Injustice: How
Unfair Housing Practices Keep Segregation
Intact. Part 3: Mortgage Fraud, Subprime
Lenders, and Foreclosure Crisis. Presented
by Committee on Racial and Ethnic
Minorities; multiple cosponsors (see
agenda). 1:00 – 3:00 p.m.

Thursday, 03-23-17 – Live Webcast—
Immigration Hearings: How to Get the Job
Done. Presented by the Administrative Law
Section; Co-sponsored by the International
and Immigration Law Section. 1:00 – 2:00
pm.

Friday, 03-24-17- Chicago, ISBA
Regional Office—Jury Selection
Techniques and the Use of Jury Focus
Groups. Presented by Labor and
Employment. TIME TBD—full day.

Tuesday, 03-28-17- Webinar—Access
Your Documents from Anywhere and
Share Them with Others. Practice Toolbox
Series. 12:00 -1:00 p.m.

Wednesday, 03-29-17- Chicago,
ISBA Regional Office & Live Webcast—
Professional Responsibility and Ethics—

Spring 2017. Presented by General Practice.
12:50 p.m. – 5:00 p.m.

Friday, 03-31-2016 – iWireless
Center, Moline—Solo and Small Firm
Practice Institute Series: A Balancing Act:
Technology Tips and Maximizing Your
Profit. ALL DAY.

April

Thursday, 04-06-17- Chicago, ISBA
Regional Office—Housing Justice v.
Housing Injustice: How Unfair Housing
Practices Keep Segregation Intact. Part 4:
Resources for Rebuilding. Presented by
REM; multiple cosponsors (see agenda).
1:00 – 5:00 p.m. (program). 5:00 – 6:00
p.m. (reception).

Friday, 04-07-17—NIU, Hoffman
Estates—DUI and Traffic Law Updates—
Spring 2017. Presented by Traffic Law and
Courts. 8:55 – 4:00.

Tuesday, 04-11-17- Webinar—TBD.
Practice Toolbox Series. 12:00 -1:00 p.m.

Wednesday, 04-12-17 – Chicago
Regional Office—Nuts and Bolts of Illinois
Administrative Hearings. Presented by the
Administrative Law Section. 12:45 – 4:00
pm.

Wednesday, 04-12-17 – Live Webcast—
Nuts and Bolts of Illinois Administrative
Hearings. Presented by the Administrative
Law Section. 12:45 – 4:00 pm.

Wednesday, 04-12-17 – Chicago
Regional Office—Nuts and Bolts of Illinois
Administrative Hearings. Presented by the
Administrative Law Section. 12:45 – 4:00
pm.

Wednesday, 04-12-17 – Live Webcast—
Nuts and Bolts of Illinois Administrative
Hearings. Presented by the Administrative
Law Section. 12:45 – 4:00 pm. ■

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