

## OFFICE SYSTEMS REVIEW CHECKLIST

Consider these tips when setting up and evaluating your law office systems for improved efficiency:

### Calendaring & Docketing

1. Establish a reliable system for tracking calendar dates and deadlines.
  - A. Routinely enter important short-term and long-range dates and deadlines.
  - B. Use reminders/ticklers to provide advance warning prior to deadlines.
  - C. Schedule adequate time to complete work prior to a deadline. Also, set a reminder to follow up and confirm the work is complete.
2. Back up your calendar.
  - A. Synchronize your electronic calendar to an alternate device like a phone or tablet.
  - B. Alternatively, print a duplicate copy or have a matching staff copy of your current calendar.
3. Train all lawyers and staff to use the calendaring system.
  - A. Provide comprehensive and regular training on using the calendaring system effectively.
  - B. Include procedures for receiving and calendaring mail or eCourt notices as appropriate.

### Case Management

1. Follow a standard procedure for screening potential cases.
  - A. Assess each potential case and only accept cases if you are able to provide competent representation.
    - i. Decline cases if you cannot acquire the requisite skill or knowledge needed.
    - ii. Decline cases if you do not have the time or resources to be thorough and prepared.
  - B. Check for conflicts before receiving confidential information or accepting new cases.
2. Follow a standard procedure for opening cases.
  - A. Open a separate file for each matter.
  - B. Provide an engagement letter that identifies the scope of engagement for the particular matter.
  - C. Provide a fee agreement for work in the particular matter.
    - i. Explain your billing method (i.e., earned upon receipt, hourly rate, etc.).
    - ii. Notify the client of your billing schedule (i.e., monthly, quarterly, etc.).

## OFFICE SYSTEMS REVIEW CHECKLIST

- iii. Explain your policy on providing clients copies of documents, as well as your file retention period.
  - D. If providing contract work or similar legal services, consider using a letter of understanding that documents the scope of your work and the agreed upon compensation.
  - E. Check for deadlines and calendar them accordingly.
  - F. Follow a standard process for filing electronic documents, including emails and word processing documents, in the client file.
3. Follow a standard procedure for closing files.
- A. Provide a disengagement or closing letter at the termination of representation on the particular matter. Remind the client of your policy on file retention and destruction.
  - B. Return any original documents or property to the client.
  - C. Submit a final bill or remit any remaining funds in trust as appropriate.
  - D. Archive electronic files and mark paper files for destruction as appropriate.
  - E. Store electronic and paper files securely to protect them against the elements and theft.

### Conflicts of Interest

- 1. Establish a reliable system for screening potential clients and cases for conflicts of interest.
  - A. Include current clients, former clients, declined clients, adverse parties, and any other persons or entities related to the case in your conflict system (i.e., directors, experts, co-defendants, etc.).
  - B. Screen for conflicts before receiving confidential information from potential new clients. Perform another conflict check after receiving case information (i.e., at intake), and again whenever any new party becomes involved in the case.
  - C. Consider circulating new case and prospect information regularly to attorneys and staff to screen for potential conflicts not detected by the conflict system.
  - D. Document each conflict check, including the date, the person who performed the check, and the results.
  - E. Decline conflict cases or provide written disclosures and obtain consent to continue representation when permitted.
- 2. Train lawyers and staff who perform conflicts checks to use the system before receiving confidential information from potential clients. Also train lawyers and staff regarding screening procedures when appropriate.

## OFFICE SYSTEMS REVIEW CHECKLIST

3. Each lawyer should maintain a personal conflict list for the duration of his/her/their career to ensure a complete record of potential conflicts when transitioning to new employment.

### Time & Billing

1. Prepare a written fee agreement in all cases.
  - A. Explain your billing method (i.e., earned upon receipt, hourly rate, etc.).
  - B. Notify the client of your billing schedule (i.e., monthly, quarterly, etc.).
2. Follow a standard procedure for preparing invoices. Include relevant information such as:
  - A. Work done for the client, how long the work took, and any costs advanced.
  - B. Any disbursements from and/or balance remaining in trust.
  - C. The date of the invoice, as well as a due date for payment (e.g., 30 days).
3. Ensure staff and lawyers make time entries contemporaneous to their work.
4. Provide the client a copy of their invoice. Protect client confidentiality when billing a third-party.
5. Age receivables and track delinquent accounts.
  - A. Consider sending payment reminders; and/or
  - B. Follow up with clients by phone to ensure they received your bill.

### Trust Accounting

1. Follow standard trust accounting procedures.
  - A. Maintain individual client ledgers for each client with money in trust. Keep contemporaneous records of fees, costs, receipts, and disbursements.
  - B. Perform a 3-way reconciliation of the trust account each month. Reconcile individual funds with the total amount in your trust journal or check ledger. Reconcile those amounts against your trust account bank statement.
  - C. Maintain trust account records for at least five years pursuant to ORPC 1.15-1(a).
2. Educate and carefully supervise all staff and lawyers with access to trust account funds.
3. Train staff and lawyers regarding the recording and handling of various trust account transactions (e.g., payment by cash, credit card, etc.).

### Office Management

1. Document office policies in a policy manual (e.g., confidentiality, security, internet use, etc.).

## OFFICE SYSTEMS REVIEW CHECKLIST

2. Document office procedures in a procedures manual (e.g., performing conflict checks, opening new client files, destruction of client files, disaster preparedness, data breach response, etc.).
3. Periodically review your filing and storage processes to ensure both paper and electronic client information is secure and backed-up. This may include regular review of vendor agreements to ensure client information remains confidential as technology changes.
4. Provide regular training for lawyers and support staff on office policies and procedures.

*(Adapted from the 30-minute audit recommended by the Lawyers Mutual Liability Insurance Company of North Carolina)*

### IMPORTANT NOTICES

This material is provided for informational purposes only and does not establish, report, or create the standard of care for attorneys in Oregon, nor does it represent a complete analysis of the topics presented. Readers should conduct their own appropriate legal research. The information presented does not represent legal advice. This information may not be republished, sold, or used in any other form without the written consent of the Oregon State Bar Professional Liability Fund except that permission is granted for Oregon lawyers to use and modify these materials for use in their own practices. © 2021 OSB Professional Liability Fund