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Law and order

The Boston Globe

Disorganization and sloppy bookkeeping can lead many attorneys toward malpractice, and worse, but consultants can help get them back on the right financial track

By Sacha Pfeiffer, Globe Staff | December 24, 2007

When she opened a solo law practice in Plymouth this year, Nicole Norkevicius felt confident in her legal skills, but not her business acumen. She had a phone, a laptop, her diploma, and a desk bought on clearance from T.J. Maxx. She didn't have a marketing plan, fee-agreement forms, or even clients.

"I didn't know where to start," said Norkevicius, 30, who graduated from Southern New England School of Law in May. "Getting office space was easy, but I wasn't sure how to set up bank accounts, how much money to spend on marketing, or if my best bet was just to join civic groups."

With no law partners to turn to for answers, Norkevicius found assistance somewhere else: a new, free, consulting service that helps Massachusetts lawyers with the administrative challenges of running their practices, from billing to scheduling to meeting deadlines to handling funds. It helped her understand legal marketing, client bank accounts, and fee agreements.

That the program exists at all is testament to the complicated, time-consuming, highly regulated nature of being an attorney. And in an era when lawyers are often maligned as venal and dishonest, the service also highlights an easily overlooked fact: Most cases of legal malpractice and lawyer discipline stem not from malicious intent, but from lawyers neglecting their offices, inadvertently mixing client funds, and improperly documenting cases.

Disorganization and sloppy bookkeeping can also overwhelm a lawyer, triggering a downward spiral that can lead to alcoholism and drug abuse, gambling, or mental health issues. Tellingly, the consulting service is offered by Lawyers Concerned for Lawyers, a Boston counseling agency that typically aids legal professionals battling substance abuse, addictions, and depression.

Launched in July, the program - its unwieldy name is the Law Office Management Assistance Program, or LOMAP - is intended to reduce the number of drug and alcohol problems, psychiatric struggles, disciplinary actions, and malpractice claims that result from poor business practices among attorneys.

"It's a preventative measure," said Gina Walcott-Torres, executive director of Lawyers Concerned for Lawyers. "A lot of lawyers who mismanage their practices don't know how to run a business properly, and we're trying to give them the tools to do it correctly from the start."

The program's director, Rodney S. Dowell, coaches lawyers to do self-audits of their business practices, identify weak spots, and improve them. That may involve using different client-management software, backing up electronic files more systematically, keeping better time sheets, or adopting more diligent billing methods.

"The amount of time spent on all those things can be surprising to many attorneys who haven't been forced to handle them on their own before," said Dowell, who was formerly a lawyer at a small Boston firm. "If they end up feeling anxiety, stress, or depression about that, it can interfere with their ability to run their businesses effectively."

The service, which guarantees anonymity, is available to attorneys of any kind, and the increasingly entrepreneurial character of the practice of law means even big-firm lawyers often need help learning to think and act like business people. But it is geared toward small-firm and solo practitioners, who comprise a sizable portion of the state's population of attorneys, and especially young lawyers starting up their practices and older lawyers winding down theirs.

While most large law firms have large staffs that assist attorneys with clerical and administrative matters, many small firms have no such resource. Small-firm and solo lawyers must maintain their own files, solve their own computer woes, negotiate their own leases, schedule their own appointments, and empty their own trash - while also doing legal work for clients. The constant juggling of responsibilities can quickly become burdensome.

"It's a challenge to manage that part of a law practice - paying bills, sending out bills, keeping track of your time," said

Robert W. Carlson, a board member at Lawyers Concerned for Lawyers who opened a solo law practice in his Weston home in October after not having practiced law full time for nearly a decade. "It subtracts from your ability to do legal services. And if you're on your own it's somewhat isolated, so it's human nature when you get stuck on a problem not to call somebody, because you don't want other people to know you need help."

Not reaching out for assistance can result in legal errors that lead to disciplinary measures. According to the Board of Bar Overseers, the state's disciplinary body for lawyers, "neglect" or "lack of diligence" were factors in 47 percent of public reprimands and 61 percent of private admonitions made in the last fiscal year.

"Most of the lawyers who get disciplined, by far," are lousy business people, not corrupt attorneys, said Michael Frederickson, general counsel to the Board of Bar Overseers and president of Lawyers Concerned for Lawyers.

A typical lawyer facing bar discipline "is not a thief," Frederickson added. "He's a schnook who can't keep up or he's got other stuff in his life that's overwhelming."

For Norkevicius, who left a career as a software analyst to go into law, the service has made her job more manageable.

"There are a lot of things to think about when you're starting your own practice," she said. "Just being able to call somebody helped me from being overwhelmed."

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