Bridge the Gap Mentoring Program
Time Records
Resource 22

This resource will help the new lawyer understand the importance of recording time and will point out a variety of ways to record time.

- Read and discuss article by Dixon, Margaret Spencer and Foster, Debbie. “Capturing More Time and Keeping Your Clients Happy While Doing It.” March 2007. Law Practice Today
- Discuss the mentor’s time recording system and point out its advantages and disadvantages.
- Take the new lawyer to at least one other law office to acquaint them with other types of time keeping systems.
Capturing More Time And Keeping Your Clients Happy While Doing It

By Margaret Spencer Dixon and Debbie Foster

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Accurate time tracking is important not just for billable time, but for all working time. It seems like a daunting task, but once you set realistic goals and make the process a habit, it could provide significant benefits for you, your firm and your clients. Use a pen and paper, a Blackberry or supporting software, but whatever your method, start by reading these useful tips for tracking your time.

Introduction

Of all the elements everyone has to work with, none is more precious than time. For the lawyer who bills by the hour, meticulous timekeeping achieves multiple crucial goals. Your ability to accurately capture the quantity of your billable time directly affects the total amount of time you must spend working in order to meeting your billable time goals. The greater your "capture" rate, the more time you can spend with your loved ones, on rest and relaxation, and pursuing your outside interests. Your ability to accurately describe the quality of your billable time will allow you (and your firm) to craft timely, persuasive bills that stand the best chance of achieving every lawyer's ultimate goal in every billable matter: a satisfied client who pays the bill promptly and in full.

Here are some ideas to help you accurately capture both the quantity and quality of your billable time; adopt and adapt those that you think will work for you.

Good reasons to track all your time

The key word here is tracking ALL your time. Many people think about tracking just billable time, and some even only track billable time associated with a file that is billed hourly and rather, skip all the contingency based time. Here are some reasons you should consider tracking all your time – billable or not.

*Once time tracking is discretionary, time will be missed.* Deciding whether to track the time you just spent or are about to spend complicates the process. Tracking everything takes that all away. You just simply track the time you spend each day – and track all of it.

*Where does the time go?* How often have you looked at your time at the end of a long day and thought, "5 hours? I have been here for 11 hours. What did I do all day?" Often, the gap is our non-billable time – be it administrative time or even firm marketing time. Instead of wondering if you got it all, if you track everything you will not be wondering if you missed something billable

*All that non-billable time adds up!* Track the time you spend on Firm Administration, Firm Marketing, Bar Association related activities, CLE, community related activities, etc. It is very important to know how much of your time you spend on these types of things.
Speaking of CLE ... If you track your time spent on CLE just like you track time on a billable matter, you can always look to see how many hours you have/need.

Tracking all your time will help you to set realistic billable hour goals. My experience shows that in a small firm, for every billable hour logged, there is 20-30 minutes of non-billable time spent. So, is it realistic to have a goal of 10 billable hours a day? Not unless you are willing to work between 13 and 15 hours a day.

Maybe the most convincing reason... a little translates into a lot. Using conservative estimates, if you bill at $150 an hour, and you neglect to track a quarter hour a day (just 15 minutes), you lose $37.50 a day, $187.50 a week, $787.50 a month, and $9,450.00 a year – PER TIMEKEEPER! If you lose more time per day, or you bill more per hour, those numbers all go up. I don’t know about you, but I would love an additional $10,000 a year in my bank account.

Paper-based methods for keeping track of time

Here are six ideas for keeping track of time the old-fashioned way, for those times when you don’t have access to – or the desire to use – any technology more advanced than pencil and paper.

Experiment with a time log format that works for you. If you want more structure than a blank legal pad, keep copies of an un-timed time log form (Appendix A), and/or the six-minute increment version (Appendix B). The latter version can be more efficient when you are working on a moderate number of tasks that take no less than two or three tenths of an hour each. You can record your start and stop times simply by making a hatch mark at the corresponding time on the form, rather than writing down the time numerically.

Contemporaneously write down only the information that tends to be inaccurate if not captured contemporaneously. For example, write down only (1) the time you start a task; (2) the time you stop working on the task; and (3) a brief description of the task. The calculation of how many tenths of an hour were involved, the client-matter number, and the complete description of work performed can all be done at a later time without sacrificing accuracy regarding your actual billable time.

Be certain to write down the time you stop working on a task. Many attorneys are tempted to skip this step, on the assumption that the time they stop working on one task is the same time they start the next task, and therefore that writing down the same time twice is inefficient. This is an instance in which trying to be efficient can be problematic, since the time you stop one task can often be very different from the time you start the next task. Checking your e-mail, pausing to chat with the colleague who showed up at your door, taking a few moments to update your to-do list, for example, can often take longer (and sometimes much longer) than you realize.

Tie your time log to your to-do list. If you usually work from a to-do list, number each item on the list (ideally, you have already listed your tasks in order of priority), then record just the number of the item in the "description" column of your time log, and refer back to your to-do list when drafting the complete description of the task. If you use an electronic task list such as Outlook, you might want to
print out a hard copy of your to-do list at the beginning of each day to refer to when using this technique.

*Develop a standard set of codes and abbreviations for frequently used terms* . Create your own system, or use a previously developed system such as the Uniform Task-Based Management System [ftn2] so you can quickly record a short but accurate description of work performed as you move through your day. At the end of the day or first thing the next morning, then flesh out the description.

*Make it logistically easy to use your time log*. Keep your time log in one specific place on your desk so you don’t have to flounder around grasping for it each time you want to make an entry. The ideal location is just to the right (if you’re right-handed) or to the left (if you’re left-handed) of your primary workspace. Keep one dedicated pen or pencil on, near, or (ideally) attached to the log in some manner. Differentiate your time log from other commonly used pads. If you normally use yellow legal pads, use a different color pad or attach the pad to a clipboard. Keep a digital clock within easy view (ideally near your time log or attached to the clip-board).

**Low- to mid-tech tips for keeping track of time**

Use these ideas to reap some of the benefits of technology even if you don’t have (or don’t want to use) a comprehensive timekeeping system (such as TimeMatters) for some or all of your timekeeping.

*Use an electronic version of a time log*. Use an un-timed version (Appendix A), a six-minute increment version (Appendix B), or a variation of your own devising, but keep it on your computer rather than printing it out. Learn to save precious seconds – which will multiply into minutes – by mastering the various Windows Quick Keys & Other Keyboard Timesavers described in Appendix C.

*Use the automatic time-date stamp function in Windows Notepad*. On a computer using a common Windows operating system, open the Notepad program (which is in "Accessories") and keep it open throughout the day (minimize it when not in use). In Notepad, the F5 key is a permanent time-date stamp, so it takes just a click and a key press to capture the time the moment you start or end a task. (Using the automatic time/date function in Word is unreliable because it’s too easy to inadvertently update the time/date.)

*Use the table function in Word*. Whether you keep track of your time in an electronic version of the time log in Appendix A, or copy-and-paste your Notepad date-time stamp and notes into a table in a Word document [ftn3], you can then sort the table by the client-matter column so that the entries for each client-matter number appear together [ftn4]. Manually calculate the time for each individual entry, and then automatically add using the Formula function in Word [ftn5].

*Use a simple, stand-alone timekeeping system on a Palm PDA*. There are hundreds, if not thousands, of simple, inexpensive (or free) timekeeping programs available for a Palm-operating handheld. The convenience and portability of a PDA means that you can carry your timekeeping system with you wherever you go, but your data will still be on a computer that will do all your calculations for you.
Use a basic stopwatch. If jotting down the start and stop time for each task seems daunting, try using a basic stopwatch to capture your time. This approach eliminates the need to calculate the length of individual time entries, but the down side is that if you forget to turn the stopwatch on or off, it’s harder to recreate the lost time than if you had been recording start and stop times. A discreet alternative to a standard stopwatch is the Invisible Clock ftnt6.

**How software can help you track your time**

There are many fine software products on the market today to allow you to easily track your time. If you are technologically inclined even a little bit, this is a very efficient way to track your time – and track it contemporaneously.

Time tracking directly into your billing system has some great advantages. Some of those are:

- Work in progress is updated automatically and if all users are tracking their time in the software, you can always see the WIP totals.
- If you can imagine this – billing can be simple! Your time is already in the billing software.
- When time is updated as you go, you have a way to tell if you are on target with billable goals for the day, week or month, and for any timekeepers who are tracking time the same.

Here is a list of the most popular small/mid-sized firm time billing software packages available today:

- **PCLaw** – www.pclaw.com
- **Tabs3** – www.tabs3.com
- **Billing Matters** – www.billingmatters.com
- **Timeslips** – www.timeslips.com
- **Juris** – www.juris.com

Most of these software companies have either a web-based or CD-ROM demonstration. It is always important to do your homework before you buy software, so look around and make sure you ask lots of questions!

There is also the option to enter time directly into a Case/Practice Management software package, which will more than likely be able to link with your firm billing system. The popular ones for small to mid-sized firms are:

- **AbacusLaw** by Abacus Data Systems, Inc. (San Diego, CA) - Sales: (800) 726-3339; Web: www.abacuslaw.com
- **Amicus Attorney** by Gavel & Gown Software, Inc. (Toronto, ON) - Sales: (800) 472-2289; Web: www.amicusattorney.com
Practice Master by Software Technology, Inc. (Lincoln, NE) - Sales: (402) 423-1440; Web: www.stilegal.com

Needles by Chesapeake Interlink Ltd. (Owings Mill, MD) - Sales: (410) 363-1976; Web: www.needleslaw.com

Prolaw by Thompson/West (Albuquerque, NM) - Sales: (800) 977-6529; Web: www.prolaw.com

TimeMatters by LexisNexis (Cary, NC) - Sales: (800) 328-2898; Web: www.timematters.com

Tracking time while you are on the road

If you use a Palm based handheld, a Windows based handheld, or a Blackberry, there are several time tracking software packages available to help you track your time, and some of them can even track your expenses and import them directly into your billing system either as you enter them or when you return to the office.

In some cases, the case management or billing software you use will have an add-on module (most of the time it costs additional money) that will download your case list into your phone and allow you to track time and expenses. There are also third party software packages for the above devices to assist you. A few of those are:

- ClickTime – www.clicktime.com
- AllTime – www.alltime.com
- TealTracker Plus – www.palmone.com

One of my favorite utility applications for my Treo is a program called Comet. Comet keeps a detailed call log of all incoming and outgoing calls, the phone number, and the duration of the call. It downloads each time I sync my palm with my computer, and I can sort it by month, by day, by duration, by caller... and then bill for the time. You can find out more about Comet at www.natarassoftware.com.

Most phones now have the ability to create voice recordings, so even if you have just a basic phone, you can leave yourself reminder messages about time you spend on the road.

Tips for writing clear, concise, informative descriptions of billable time

Unless your firm or clients have preferences to the contrary, consider these suggestions when fleshing out the descriptions of how you spend your billable time.

Consider the benefits of crafting effective descriptions. While it may take more time up front to write a detailed description of work performed, the payoff to this investment of time comes in the likelihood of less editing needed by the attorneys preparing the bills, fewer client inquiries about bills, and ultimately, more prompt payments.
Adopt a standard format such as [Activity] re [reason for activity]. When the activity involves others (such as a conference or a telephone conference), the format becomes: [Activity] with [whom] re [reason for activity].

[Activity] should be a clear word or phrase – ideally an active, results-oriented verb – such as "attend hearing" "prepare," or "analyze." Using the present tense results in a more active, "live" description than using the past tense. In any event, be consistent: pick one verb tense and stick with it.

[Whom] should include a description of the role of the specific person (e.g., opposing counsel; clerk of court; client representative) in addition to the person's full name, if the name will be meaningful to the client. (But note that some firms have a policy that time descriptions should not include references to other firm personnel). If the client consists of multiple representatives, include the full name of the specific client representative involved.

[Reason for activity] Descriptions should be thorough and complete. For example, instead of simply "Review documents," say, "Review documents, including [then list the documents reviewed]." Avoid using "etc." Instead of "organize file" or "review file," describe the reason for such organizing or reviewing, e.g. "Prepare for hearing on motion for summary judgment" or "Prepare for negotiation conference." Other handy terminology includes "work on" and "assist with." The length of the description should reflect the duration of time worked. Demonstrate to the client that the time was well spent.

Avoid abbreviations. Spell out the full name of agencies and acronyms. Use "memorandum" instead of "memo," "facsimile" instead of "fax," and "telephone conference" instead of "telephone call," "telecon," or "phone call."

Avoid needless detail if such specificity tends to devalue the work. Instead of "e-mail" or "fax," use "correspondence," or at least "e-mail correspondence" or "facsimile correspondence." Instead of "dictate" or "draft," use "prepare." Instead of "revise," use "further prepare."

Time tracking pitfalls - how to avoid them

Like any other goals you set or resolutions you make, they are not always easy to reach or easy to keep. There are some well-known pitfalls that if you avoid them, or even better, prepare to deal with them, you will have a better chance of consistently reaching the goal.

No plan for the day. Approach your day with a schedule. Not necessarily a schedule that is so rigid with no flexibility, but one that allows you uninterrupted work time.

No plan for the hour. Consider using a time template, blocking off time on your calendar for production, meeting with people in the office, answering emails, returning calls, etc.

Don't be controlled by email. Email is a huge interruption to all of our days – unless we decide it will not be. Many of us work with our email program open, just waiting to hear that ding, or see that window pop up telling us a new message has arrived. We often stop what we are doing, go into our mail
program, read the email, perhaps respond to it, and then get back to what we were doing. Very big timewaster! Consider checking your email at the top of the hour or 4 times a day instead of responding on demand.

Thinking "I will remember this later." You won't, at least not all the time. Tracking it later means that you might be giving your very valuable time away for free.

Starting fresh tomorrow. Like a diet, as soon as you fall off the wagon and recognize it, get back on! Don't wait until tomorrow, or wait until Monday.

**Steps to developing the habit of contemporaneous timekeeping**

*Start small*. As your first goal in implementing your new habit of contemporaneous timekeeping, make a commitment to yourself to do your best to use your time log or timer from the moment you walk in the office each morning until, say, 10:00 a.m. — and thereafter only if you happen to think of it. Once you become relatively consistent about keeping track of your time until 10:00 a.m., move that target back fifteen minutes, and commit to making it a priority to track your time properly until 10:15 a.m., then 10:30 a.m., and so on, until you are firmly in the habit of noting your time when switching tasks.

*Expect imperfection*. If you forget to record some of your time on any given day, instead of giving up for the rest of the day because you “blew it,” just start keeping track again as soon as you realize you fell off the wagon. Your timekeeping will be more accurate if you have to recreate two lost hours, rather than those two hours plus the rest of your time that day.

*Use reminders*. When you start keeping track of time contemporaneously, make a small but noticeable (to you) change in your office environment: shift the location of a key item such as your phone, your computer, or (most appropriate) a clock, so that the change will remind you that something new is afoot. Put a sticky note on the inside of your office door at eye level with a reminder that timekeeping is a new priority for you. If you work mostly at your computer, leave a pen, stylus, or other item on your keyboard whenever you leave the computer, so that your fingers will trip over it when you return, which will remind you to log your time.

*Inspire yourself*. On one of those days (or weeks) when you didn't keep track of time contemporaneously, note how long it takes you to reconstruct that time. Reconstructing time is not only likely to be inaccurate (in any event, there's no way to prove the accuracy of reconstructed time), but it takes more time to reconstruct how you spent your time, than if you invested a few seconds before and after each task to tap a timer or log the current time. Furthermore, having to reconstruct your time means that you are either short-changing yourself or overcharging your client, and consequently dealing with the obvious problems associated with either alternative.

*Remind yourself of the benefits of accurate timekeeping*. Many attorneys view recording time as a necessary evil, or, at best "just an administrative task that permits us to be paid." Periodically remind yourself of the connection between the accuracy of your timekeeping and your (or your firm's) ability to prepare timely bills that stand the best chance of being paid without objection. Another way to elevate
the value of timekeeping is to realize the importance of knowing exactly how you spend your professional time. Accurately assessing how you actually spend your working days allows you to review your time-use choices and determine whether your choices are consistent with your own mid- and long-term goals. How you spend your time is, ultimately, how you spend your life.

Both of these forms are also available for download from www.TimeManagementForLawyers.com

Available at http://www.abanet.org/litigation/litnews/practice/uthms.pdf

Copy and paste from Notepad into Word all the text you want to put into the table. Insert a hyphen on each line at the point where you want the table’s columns to be. Then highlight the entire block of text, and select Table/Insert/Table from the toolbar and voila – your Notepad entries are now neatly organized in a table in Word.

Highlight the client-matter column, then select Table/Sort and OK.

To do this, first insert a blank line both above and below the lines containing the numbers you want to add together (Table/Insert/Rows Above and Table/Insert/Rows Below). Then put the cursor in the box below the numbers you want to add together, and select Table/Formula/OK. (The Quick Key approach for this last operation is Alt + A + O, then Enter.)

Available at www.invisibleclock.com

About the Author

Debbie Foster is the founder and President of InTouch Legal. InTouch provides technology and management consulting services to law firms and legal departments throughout the US and the Caribbean. She has been working with law firms and legal departments since 1995 helping to achieve greater practice efficiency. Debbie also serves on the American Bar Association Law Practice Management Section Techshow Board. InTouch also consults with law firms on management issues, compensation planning and building incentives.

About the Author

Margaret Spencer Dixon is a lawyer/consultant specializing in time management and stress management seminars for lawyers and legal professionals. Meg received her A.B. with honors from Princeton, and her J.D. from Stanford Law School, then clerked for the U.S. Court of Appeals for the Ninth Circuit and practiced in the litigation and energy groups at Shaw Pittman in Washington, D.C. In 1992, Meg founded Spencer Consulting and since then has been giving speeches, writing articles, and conducting seminars on time management and related subjects such as procrastination, stress management, and how to run effective meetings. She has presented seminars for numerous law firms, CLE providers, and government agencies. Her writings include the chapter on time management in the
To optimize a firm's return on investment, everyone—even associates—needs to grasp the economics of the practice. Here's a primer on the cycle.

To optimize a law firm's return on investment, everyone in the firm needs to grasp the financial and economic aspects of the practice. This is true even of new associates. After all, how can you expect to make your living practicing law if you don't know understand the business of law?

The economics of law firms can be tricky, and the financial goals, how they are achieved, and the systems used to track them will vary across firms. But at least one factor is consistent and needs to be taken to heart from the moment you enter a law firm: When each individual has a solid grasp of how the firm functions from a revenue and expense standpoint, the firm as a whole benefits—because everyone understands the impact of their actions on the firm's financial results.

Management has a clear responsibility in providing new associates with the information they need to succeed financially. For their part, associates need to be active in expanding their knowledge of how the firm generates revenue. But where to start? Here are tips and techniques for enhancing the economic contributions of younger lawyers.

Work Inflow and Matter Budgets

The revenue-generation cycle for professional services starts with the proper intake of a client or matter, then moves through all the succeeding steps and actions that a well-run firm must follow, including properly explaining the firm's time and billing protocols to the client, and setting appropriate expectations for payment for the services rendered on the client's behalf. Even the newest associates need sufficient orientation in how this extremely critical and repetitive process is handled for matters flowing into the firm.

In addition, associates need to be made privy to the specific parameters of the matters in which they will be involved—meaning the terms of the work plan and budget that will guide the supervising lawyer in providing the services for which the client will be invoiced. This kind of baseline knowledge helps everyone involved in the matter to better manage the schedule and the budget and identify any delays or overages earlier in the process.

When associates better comprehend the inflow of work and how budgets for projects and tasks are established and monitored, it greatly facilitates their ability to fulfill—or exceed—the expectations of not only their supervising lawyers, but those of the clients as well.

Effort (or Time) and How It's Captured

The next phase of the revenue cycle involves the control and management of the work-in-process details that ultimately become the basis for rendering billings to clients. While most firms continue to use hourly based billing, some practices, or even some matters within an hourly based practice, rely on alternative-billing methods to price services. Regardless of the basis for measuring the value of the services provided to the client, associates need to gain a solid comprehension of how their efforts and the efforts of others are captured and converted into an invoice for professional fees. As they progress in the firm, this knowledge will significantly improve their ability to make better choices in how the firm can best staff particular projects on behalf of the clients.

In the case of hourly billing, however, there are other issues involved. Most firms now use time-and-billing software that allows for billing worksheets (sometimes referred to as pro forma billing statements) to be generated on a real-time basis, even though billing may remain on a monthly cycle. Understanding the underlying process of this phase of the cycle can greatly help an associate understand why contemporaneous timekeeping is so critically important.

Likely just about every managing partner can identify at least one "black sheep" within their firm who cannot seem to get his or her time entered on a real-time basis. It seems that it is always a struggle to get everyone on the same page with respect to the importance of appropriately recording chargeable time as the efforts are expended. Yet there is so much potential for slippage with the passing of time between when the chargeable effort actually occurs and when it ultimately gets recorded in the system—and when time on a matter goes unrecorded, or is underrecorded, the result is the loss of potential revenues.

The best way to drive home the point that time needs to be captured on a consistent and contemporaneous basis is for the firm to provide new associates with a full view of how their efforts get captured within the time-and-billing system: how their time, together with the time of others, gets reviewed; and how the assigned billing lawyer ultimately makes an assessment of the sum to determine how and what to convert into an invoice for the client.
Cost Recovery from Clients

Once an associate has a better grasp of how the collective efforts of the firm’s timekeepers get converted into an invoice, the next step is to learn how the costs associated with client matters get captured for recovery from the respective client.

Similar to the benefits derived from a contemporaneous timekeeping regimen, a law firm that captures recoverable costs in the system on a real-time basis is generally much better situated to eventually recover those costs from the client. Seeing how these costs flow into and through the work-in-process schedules on their way to being included in an invoice as part of the ongoing billing process helps associates understand the importance of identifying and capturing any cost recoverable from the firm’s clients.

How Revenues Flow

As the last leg of the cycle, there is the time frame in which payment for services rendered is actually received. In other words, a time lag typically occurs between when the work on a matter is undertaken, when a billing decision is made allowing an invoice to be prepared and sent to the client, and when the client processes and pays the invoice. Generally understanding this aspect of the receivables process will lead newer associates to a clearer comprehension of the overall revenue cycle of converting efforts to dollars—dollars that, in turn, are then available for all the costs of the firm, including the associate’s salary and benefits.

Management’s Critical Role

There is a good deal to know about the dollars and cents of law firms, and while new associates can do their part in studying the issues, they cannot learn it all on their own. Firm management needs to expose new timekeepers to all aspects of the revenue-generation cycle soon after their entry into the practice to allow them to see the “big picture.” This means how the firm creates value for the clients it serves and how that value is captured, quantified and converted into dollars that become available to fund the firm’s expenses, inclusive of a reasonable return and reward for the efforts of all involved. This orientation can be done in a structured fashion and may include exposure to the various management reports used by senior lawyers to manage the overall process. Firms that take steps to provide this type of training to their younger practitioners will almost certainly realize improved results over time.
Technology and Timekeeping Can Help You Capture More Time

By Reid F. Trautz and Dan Pinnington
April 2009

**Increasing billable hours translates into greater job security** - the Guide to Success: Essential Tips to Power Your Practice, offers ad

Technology and better timekeeping can help you capture more time. With more of the actual time you spend on tasks. This gives you more time to the best ways you can use technology to capture, and more importantly,

- Use electronic timesheets: Paper timesheets are error prone and
- Enter your own time: The efficiency, extra speed, and greater ac brainer.
- Enter time contemporaneously with task completion throughout consuming, and not likely to be very accurate or complete. Study they do this.
- At the end of the day spend a few minutes reviewing your docke in your mind.
- Use standard billing codes and bill in detail: Many accounting sof client," or "review of correspondence." While these codas are cor detail. Having detailed bills or time entries is critical as a record.
that work. A detailed bill should look something like this: “telephone conference with client re: drafting of correspondence to client confirming instructions to skip zoning search.”

- Include detailed time entries in your bills: Detailed listings of time entries on a bill give a client more transparency regarding their legal fees, and you will be far more successful in defending your account in the event you are assessed.
- Record every minute you spend on a file: Don’t judge and write off time spent on a file as unnecessary. Wait until you final or interim bill the file, at which time you can properly judge all the facts, including the time that was spent on it. You can easily make adjustments to an account by editing off certain billing entries, show it on the bill as work done.
- Docket all administrative and other non-billable time: To properly evaluate where your time is being spent, you need to know much time you are spending on non-billable tasks, and what they are.
- Review detailed time and billing reports: Practice management software and accounting product of your time. Review these reports to really understand where your time is going.

The following is a short excerpt from the just-published book *The Busy Lawyer’s Guide to Success: & Prosperity* by Reid F. Trautz and Dan Pinnington (ABA 2009). This book is the absolute best-ever collection of practical advice on how to survive, thrive, and find success in the practice of law.

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