

# Foreword

Any lawyer who researches the literature on managing a law practice quickly comes to the conclusion that scholars have generally ignored this important sector of our economy. Neither law schools nor bar associations offer, let alone require, practice management courses to receive a degree or a license to practice. This book helps to fill the void.

The lawyer who runs a solo practice, the midsize practice group leader, and the large firm managing partner will all discover familiar issues in this book. From the basics of starting a practice to more complex issues, including attracting and nurturing clients, evaluating and utilizing new technologies, outsourcing administrative, support and even legal services, planning for disasters, and teaming with professionals in complementary professions, Ed Poll addresses it in a clear, concise and commonsensical manner. And how many among us have felt trepidation about raising our fees or continuing to work for a slow-paying (or no-paying) client? You will find solutions to those problems within these pages, too.

Most disciplinary matters and malpractice actions filed by unhappy clients are rooted in some combination of failed expectations in the lawyer-client relationship, runaway fees and costs, and poor communications. Poll sees these ethical challenges for what they frequently are—the results of poor practice management. He appropriately questions why bar associations do not include practice management in mandatory continuing legal education programs. Why is good practice management not considered best ethical behavior? His discussion of engagement letters and client collaboration in the development of case plans and budgets offers sound advice that should eliminate many disciplinary problems of this sort.

This book addresses more than just the nuts and bolts of our trade. Flowing throughout it is the fundamental principle that the most successful lawyers are those whose clients perceive them to be delivering value for the fees the clients pay. Poll recognizes that—while the result achieved is important to client satisfaction—regular client communications, solicitation of client views,

and updates on and revisions to budgets often can be more important than the fee paid or whether the matter is won or lost. To be successful, a lawyer, whether in solo practice or in a megafirm, must incorporate these and similar client-sensitive habits into his or her daily routines to make clients feel they are receiving value.

More profoundly, Poll challenges the prevalent private practice business model that is based primarily on the cost of the time spent by the professionals providing the services. He urges a return to an earlier model that is based on the value and complexity of the matter presented, the novelty or difficulty of the issues, the financial risks taken by the lawyer in the form of deferred fees or advanced costs, and the results achieved for the client. However, he also advocates an important modification: While the earlier model left the final bill to the professional judgment of the lawyer, in the updated version suggested by Poll, the lawyer *and* the client will address these issues in advance at the time the engagement letter is executed and the budget is developed.

I first met Ed Poll when I was managing my law firm. We worked together on a variety of projects that helped to make our firm a success. While I, and perhaps he, did not realize it at the time, he had become a helpful and effective coach for me. I learned a great deal from him then, as I did reading his new book. Undoubtedly you will, too.

*—Gordon Bava is Co-Chair of Manatt, Phelps & Phillips, LLP.  
He practices corporate and business law in the Los Angeles  
office and formerly served as the firm's chief executive and  
managing partner.*