



# Making Your Criminal Practice More Rewarding

BY DEBRA L. BRUCE, JD, PCC

Illustration by Gilberto Saucedo

**A** criminal law practice can be a difficult, yet enjoyable, one to maintain. No two days are alike and it's not unusual for criminal law attorneys to come across clients that run the gamut from wealthy to poor and interesting to mundane. "The scenarios that bring them to court are sad, funny, interesting, complicated, simple, stupid, and entertaining," says Houston criminal attorney John Parras, who began his legal career as a law clerk to Michael Tigar and Ron Woods in the Oklahoma City Bombing trial.

While criminal law is often interesting, many criminal attorneys suffer from stress and burnout. Others struggle to make ends meet. How can you keep your practice manageable, enjoyable, and financially successful, too?

## Choose Your Clients Carefully

When lawyers fail to adequately screen incoming clients, they find themselves spending inordinate amounts of time dealing with problem clients and the frustration they create. Not only does

this reduce the profitability of a criminal lawyer's practice, it creates stress for the lawyer and reduces the time and energy available to provide good service to desirable clients.

But how do you discriminate between desirable clients and problem clients before you get involved in the case? After all, every client has a problem messy enough to need a lawyer. And many clients in criminal cases, even if innocent of the charged crime, have made unwise choices that contributed to their unpleasant situation.

First, think about your prior experiences with problem clients. What similarities or common traits do they have? Are there questions you can ask in the initial interview to ferret out those types? Looking back, were there hints of the problems to come in the initial interview? Did they do something that raised a red flag that you ignored because it was the end of the month and money was tight?

## Invest Time Now to Save More Later

"Spend time getting to know your client in the initial interview," Parras says. "If they've had lawyers before, ask who they are and how the case went. Fifteen minutes up front will save you hours or days of work later."

David J. Ferrell, an El Paso criminal and probate attorney for 32 years, advises to be leery of cases where the potential client has already seen several other lawyers about the case or a prior lawyer has entered an appearance but now wants to withdraw. Ferrell says you should also ask a lot of questions before accepting a case referred from other criminal lawyers if you don't know them very well. Could they be unloading a dog case on you that they wouldn't dump on a friend?

## Manage Client Expectations

Ferrell cites a few warning signs that your potential client will have unreasonable expectations. He advises declining potential clients who make statements in the initial interview, such as "My friend's lawyer got his case dropped the first day they went to court." or "I've already read the law online and the case is bogus, I

just need you to get the judge to dismiss it.” or “I saw a case like mine on Court TV and . . .”

“Most of the time I know what I can do for a client and I tell them up front,” says Austin solo Erik Goodman, who has been board certified in criminal law since 1985. “Those who want more usually get the message. I avoid persons who try to encroach upon my ability to accurately assess a case.”

Parras agrees. “A desirable client is one who understands his problem, trusts you to help him with it, and, when it’s over, regardless of the outcome, is thankful because he knows you’ve done your best.”

Educate your clients to manage their expectations. Describe each stage of the process, typical time frames, and share honest assessments about the likely outcomes of various stages.

Stress affects your client’s ability to comprehend and recall what you say, so make it easy for clients to refresh their memory. It will reduce the time investment and frustration for both of you. Prepare a handout with common instructions, with checklists or blanks that you fill in with particulars.

### Systematize and Delegate

Although every client is different, most practices involve repetition of certain similar activities. The more processes that you can reduce to a form or a standard procedure, the more efficiently and profitably you can practice. Systematization increases what you can delegate to administrative assistants, paralegals, and associates. Maximum delegation may require you to make investments up front in system design and training, but each investment will pay off rapidly in your stress reduction and profits. Delegation also helps reduce burnout by allowing you to focus your time on the most novel and interesting aspects of your cases.

### Protect Productivity Time

With hearings almost every day and clients calling about their cases, criminal lawyers have trouble finding time to do the complex thinking a case requires. It is essential that you protect at least one

hour a day to focus without interruption on producing the work that requires concentration. Close your door and give your assistant a script for handling calls, which reassures the client of a specified time interval when you will call back.

Lawyers have been amazed at their increased productivity from just one uninterrupted hour per day. Some days you may actually manage more, but protect at least one hour.

### Set Your Fees Appropriately

If you are swamped all the time, yet struggling to make ends meet, you may not have the right fee structure, especially on fixed-fee matters. “Do not set your fee based on what you need today, that will always be too low,” Parras says. “Do not set it based on what you think the client can pay, what they can pay may be more than the case is worth or less than you deserve.”

To evaluate your fee structure, experiment with tracking all your time (billable and non-billable) for a month. You may discover that you invest a lot more time in a case than you realized. We tend to optimistically estimate our time requirements based on the case that flowed the most efficiently. In the tracking process, you may also discover how you tend to waste time, the time of day when you can be most effective and productive, and what disrupts you the most. Make adjustments based on that feedback, too.

Many lawyers fear that raising their fees will reduce their business. However, some find that their business actually increases. Most clients can’t really judge the competency of a lawyer, and they view the fee as an indicator of the lawyer’s skill. The higher fee will offset any slight decline in volume. If your business drops off significantly, however, you can always return to your old fee structure.

### The Short Version

As you consider these tips, don’t try to change everything in your practice at once. Experiment with one strategy at a time. You’ll be better able to identify what works, and less likely to get overwhelmed. If it all seems like too much,

then just follow Goodman’s pithy advice: “Always return your calls. Treat people respectfully. Pace yourself; you’re in this for the long haul.”



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