

# EXTERNAL POLICIES

Managing client expectations, ensuring client satisfaction, and maximizing the client relationship to benefit your small law firm.



WRITTEN BY BRENT DEBNAM

If you run a small law firm, the business side of your practice is often the most overwhelming part. You may know how to advise clients, engage in effective legal analysis, and navigate the nuances of your local courtrooms, but running the business is an entirely separate task—one that is often overwhelming and seldom taught in law schools. Most people think running a business is intuitive, a task a lawyer certainly should be able to handle. The fact of the matter is that it is not intuitive. Running a business is much like many other things in life—it is straightforward insofar as you know the rules and insofar as you understand what the parts are and how they play together. Obviously, discussing all the parts—and how they interact—would make for a very long book. This article focuses on one narrow aspect of one part of a business. That part of the business is policies and procedures. The narrow aspect is external policies.

Along with an up-to-date business plan, policies and procedures are the backbone to an efficient business. And at the end of the day, that's what a law firm is, a business. It's a vessel where we offer services to help our clients solve problems in exchange for money to provide for the well-being of our families, ourselves, and our staff. Policies and procedures are not an exciting topic. They are not something I enjoy drafting, editing, or even implementing. I do not always even enjoy learning about them. But one thing I have learned is that they are undeniably important. And one thing I do enjoy is watching my business function better on a day-to-day basis.

Policies and procedures, first and foremost, set expectations. They create tangible guidelines for people to have a better understanding of how to do their job. Internal policies and procedures are the foundation for a smooth-operating law firm. In a perfect world, there would be procedures for everything that happens in the office. Opening the office, answering phones or emails, sales, intake, client meetings, etc. Everything should have clear instructions, so

staff members know exactly what they need to do to accomplish the everyday tasks required to run an efficient and effective law firm. But what about your law office's interactions with clients?

How the law firm and the clients interact and communicate are incredibly important. Communication is a fundamental aspect to all relationships. The relationship between the law firm and the client is no exception. Law offices have a particularly difficult task because unlike most relationships, the foundation of the relationship is likely a problem that a client needs help resolving. In other words, a client comes to a law firm to get help with something that is often stressful, personal, and sometimes even embarrassing. When a prospective client calls or walks in, our staff and attorneys are often mere strangers to them. If the prospective client chooses to retain the firm, how are we going to make sure we manage the relationship?

Several problems that commonly arise throughout the relationship between the law firm and the client stem from the client's expectations. Sometimes those expectations are unknown to the law firm at the time the firm is retained. A lot of times, those unmet expectations involve communication and money. As a small law firm, we want satisfied clients for many reasons. First and foremost, most of us take pride in what we do and genuinely desire to help our clients resolve problems. In today's market, if you own a growth-orientated small law firm, then you need happy clients. As the market changes, and the importance of an online identity increases, small law firms need clients to leave reviews and need those reviews to be positive. The best way to manage those expectations comes from creating formalized documents that memorialize your small law firm's external policies. The general rule we use for drafting any policy or procedure involves clarity. Our goal is that if we gave our policy or procedure to a high school student, they would be able to understand what the policy or procedure is telling them to do. The policies should be emailed to and discussed—either in person or over the phone—by a staff member with the client. If your firm does not have staff, then the attorney should include this as part of the discussion during the consultation.

Your external policies should outline several different topics. Perhaps most importantly, communication. Often, our clients have never dealt with a law firm before retaining us. It is our job to provide them the information so they are empowered to confidently communicate with us. Your external policies should talk about ways to communicate, such as phone calls, emails, or in-person meetings. They should outline what to expect when they call or email the firm, who they should expect to talk to, how to leave a message, and the general timeline they should expect a response in. Clients do not think about how lawyers often have a lot of clients, meetings, and are frequently in court. They, understandably, are focused on the stressful problem that resulted in them having to retain a law firm. It is our job to make it clear that we are not always available at the push of a button. Your policies should create boundaries to ensure that your attorneys and your staff do not feel as if they have to be on call around the clock to the firm's clients. It is our job to provide the client a policy and procedure that clearly sets the expectation for how, when, and with whom communication occurs.

These policies and procedures should also outline how the attorney is not the point of contact for every interaction. For most small law firms, it makes zero sense to have the attorney scheduling meetings or returning phone calls on simple questions. It is not our clients' job to understand who is responsible for what role at the law firm. It is important to provide the client with external policies that explain to them that often staff members will be the point of contact managing tasks that do not involve court or legal advice. Additionally, your external policies should dictate the type of tone expected in communications. At our firm, we do not permit our staff to be disrespected. Just like everyone else, they are working and trying to do their job. Your policies should include guidelines that ensure all communication is respectful and professional. As a small law firm owner, it is our job to make sure those policies and procedures are not just provided to the client but also communicated during the consultation or initial meeting. In my experience, providing clients with these policies and procedures—and explaining them—results in far less unmet expectations and far more satisfied clients. It's not good enough just to be a good lawyer. Communication matters.

Another client expectation that a small law firm should get in front of is money. Running a small law firm is expensive. Legal services are expensive. It is important that we

effectively communicate how the money is going to work when we provide legal services. Many small law firms bill hourly, which clients sometimes do not have prior experience with. In both the contract and the external policies, it should clearly outline for the client how the firm bills, when the firm bills, how the client will receive invoices, what the rates are for each staff member, and perhaps most importantly, what the minimal trust account requirement is. At our law firm, we spend a lot of time in our initial meeting talking about money. It is an uncomfortable topic, but if you do not get in front of it at the beginning of the engagement, it will remain uncomfortable and potentially become a point of contention down the road. We find that this conversation is so important because six months into the case, clients are often surprised when they are asked to replenish their trust account. Navigating this conversation is a lot easier if you can refer your client to both the initial conversation and your external policies they were provided with when they retained your law firm. Draft the policy and spend the time carefully explaining it to the client up front.

Communicating with your clients effectively is crucial to accomplishing the steps necessary to continue to grow your small law firm. If you take the time to draft clear guidelines, policies, and procedures; train your staff; and walk your clients through the policies up front; your clients will be happier simply because you did your job managing expectations. When your clients are happier, your staff will be too, and your law firm can focus on practicing law rather than managing upset and confused clients. Who knows, maybe your client will end up leaving your small law firm a five-star review. **TBJ**



**BRENT DEBNAM**

is a founding partner in DebnamRust in Dallas. He practices criminal defense and business law.



State Bar of Texas  
Criminal Justice Section

.....  
**CLE SCHOLARSHIPS**

CJS offers its members up to \$1,250 in scholarships to attend excellent CLE's such as:

- Advanced Criminal Law Seminar
- Rusty Duncan Criminal Law Course
- Dawson Conference on Criminal Appeals
- Certain courses offered by TDCAA

**Application period opens on March 1, 2024**

**Visit [txbarcjs.org](http://txbarcjs.org) to apply and for more information.**