



By Carol P. Waldhauser, Executive Director

Great Expectations vs. Realistic Expectations: The End of Year Self-Audit

Unbelievably, the end of 2011 is quickly approaching, and it is time for our traditional “End of Year Self-Audit!” As a practicing attorney, what better time than now to reflect on the past year, both professionally and personally, as to where you have been, where you are presently, and where you plan to be in 2012. You may ask, why take the time for an end of the year self-audit?

After all, lawyers are referred to as great problem-solvers. It is important, however, for the lawyer to realize that even when they are highly successful in treating a client’s dilemma, it is often difficult for them to address their own concerns, goals, plans, wellness, and stamina. In fact, I refer to this as the shoemaker syndrome; recalling the tale growing up of the shoemaker who had time to fix everyone else’s shoes but his/her own. The day-to-day pressures and deadlines of practicing law, coupled with the ongoing responsibilities of life itself, often do, cause a lack of time for lawyers to take time for themselves.

This lack of time is unfortunate because it is important for all of us to pencil ourselves into our calendars. Equally as important is that we realize success takes: foresight, patience, courage, and excellent legal skills, plus personal wellness stamina. Realistically, it takes planning, implementation, and management for a successful business and life.

So, sit down now and ask yourself these master questions:

- Do I have realistic short-term, as well as long-term plans for my law office—and/or career?

- Do I have a written budget and accounting practices in place for the coming year both professionally and personally?

- Do I monitor the types of cases that are most and least profitable? Is my billing up-to-date?

- Do I have an updated checklist for Lawyers Planning to Protect Client’s Interest in the event of death, disability, impairment, or incapacity?

- Do I feel that I work too many hours? If so, can I design a plan to add more balance to my life and learn to implement it?

Bottom line: Do I have a personal wellness plan to maintain stamina and fitness?

Short-Term and Long-Term Planning for Your Professional Life

A lawyer, like other business people, should write a business plan that includes, but is not limited to short-term and long-term goals. This written plan allows for focus on what you need to do today, next week, and next month in order to position yourself so you and your business are traveling in the right direction and do not end up somewhere else. Similarly, a lawyer needs to have a personal wellness plan.

Then, once you have the written plan, you should implement it. Implementation is action and action converts your business and personal visions. Call this implementation “action or baby” steps. Equally as important is management. Through both business and personal management, you build the foundation and framework that unifies purpose and meaning, while maintaining balance in your personal life. Bottom line, it allows you to be aware of great expectations vs. realistic expectations.

Business: All firms, small or large, new or old, need a written budget especially in today’s rocky economic climate. This budget should be implemented and reviewed regularly. Ideally, you should work with an accountant familiar with law firms of your size. Your budget should include all fixed expenses for the coming year on a month-to-month basis. This allows you to keep an eye on spending, billing, etc. If you are a solo or small firm-lawyer, your financial advisor or accountant should be someone who works with solo and small firm lawyers.

Monitor Your Cases: Monitor the types of cases that are most and least profitable. Stop doing work that is not profitable. (This does not include your *Pro Bono* work.) It does include, however, those cases that take a lot of your time and the clients either do not pay, will not pay, or the case is just a bow-wow. Many hard-working, honest lawyers find that their expectations about getting paid are not shared by their clients. The result is stress, frustration, and problematic cash flow. Therefore, weed them out.

Checklist for Lawyers Planning to Protect Client’s Interest in Event of Death, Disability, Impairment, or Incapacity: Remember, life events happen. Most individuals (lawyers included) will deal with loss, trauma, and change at some point in their lives. It is part of being human. Although for many lawyers, it is a frequent trait to ignore unpleasant thoughts such as disaster, unexpected illness, misfortunate, or even death. By ignoring these events, we fail to prepare for the day the unexpected illness, disaster, or even death may prevent us from executing our responsibilities as

lawyers: the law office, the clients, the existing deadlines, and the staff. Therefore, fill out and update a checklist for Lawyers Planning to protect Clients' Interest in the event of your death, disability, impairment, and incapacity. And, have an updated checklist for closing your office (Go to www.de-lap.org and click on the transition page for boilerplate forms.)

Other Habits to Consider During Your Self-Audit

The Golden Rules (Or How Not to Be a Difficult Attorney)

1. Behave yourself.
2. Answer the phone.
3. Return your phone calls.
4. Keep your hands off your clients' money.
5. Tell the truth.
6. Admit ignorance.
7. Be honorable.
8. Show civility.
9. Defend the honor of your fellow attorneys.
10. Be gracious and thoughtful.
11. Value the time of your fellow attorneys.
12. Give straight answers.
13. Think first.
14. Define your goals: Remember you are first a professional, then a businessman. If you seek riches become a businessman, then hire an attorney.
15. Tell your clients how to behave—if they can not, they do not deserve you as their attorney.
16. Solve problems—do not become one.
17. Have ideals you believe in.
18. Do not do anything that you would not be proud to tell your mother about!
19. If you need help; get it.
20. If you need someone to talk to, make that confidential call to the Delaware Lawyers Assistance Program (DE-LAP).

(In Part from The 20 Golden Rules/Florida Lawyer's Assistance Program)

Personally: Fortunately, most lawyers are passionate about being a lawyer. Unfortunately, some lawyers may not devote enough time to their personal well being. For that reason, it is not too late to review some simple personal procedures that can contribute to time, money and the establishment of habits that can enhance you and your professional life.

Habits and Behavior.

Tips from the Happy Attorney

- Take time to eat right.
- Take time to sleep.
- Take time to play.
- Take time to pray.
- Take time to love.
- Take time to give.
- Take time to laugh.
- And, take time to plan, implement and manage, both professionally and personally—it is the road to success.

Similarly, no matter what, prioritize your personal wellness—if there are changes you should (or want to) make—take small (baby) realistic steps in achieving those changes.

Remember too, that many of us love being a legal professional. Generally, the profession has met our great expectations upon entering law school. Most lawyers take great pleasure and pride in their work. Realistically, however, it is the planning, implementation, management, and annual self-audit that may be the difference between success and failure.

For more information on the topics discussed above and for free check-lists call:

The Delaware Lawyers Assistance Program (DE-LAP) or e-mail cwaldhauser@de-lap.org. Remember too, if you, or someone you know, is having problems that are affecting your/their ability to practice law of quality of life, call DE-LAP at (302) 777-0124. Wishing all a happy and healthy holiday season. ☺



**Getting help doesn't sabotage your career...
...but not getting help can!**

The Delaware Lawyers Assistance Program (DE-LAP) was created to confidentially help Judges and Lawyers with substance abuse/dependence and/or mental and physical health problems.

Call or e-mail.
Carol P. Waldhauser
Executive Director
Direct: (302) 777-0124
Toll-Free: 1-877-24DE-LAP
or the
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1-877-652-2267

e-mail: cwaldhauser@de-lap.org
website: www.de-lap.org

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