Solo & Small Firm Section of THE FLORIDA BAR

The Florida Law Practice
LINK

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For Florida Lawyers – By Florida Lawyers

A JOURNAL OF THE SOLO AND SMALL FIRM SECTION

MESSAGE FROM THE CHAIR

by Christopher C. Johnson
Present Chair of the SSF Section

With the start of a new year comes some big events for the Solo & Small Firm Section. Our annual Solo & Small Firm Conference will be held on February 24 with its theme "Automate & Levitate: Tactics for Small Firm Business Owners," and will include four CLE credit hours on topics that will provide insight and tips on successfully owning your own firm. This event is always well attended and provides our members with great guidance on operating a solo or small firm.

Our Section is fortunate to be working directly with Florida Bar President Gary Lesser on his recently announced mentorship initiative, which targets lawyers in their first three years of practice in law firms of three attorneys or less, i.e., our membership. One of our top priorities this year is to work with the Bar and President Lesser on rolling out that program and to ensure that our membership receives as much value out of it as possible. We will be sending out more information in the coming months, including on how to become both a mentor and a mentee.

CHRISTOPHER C. JOHNSON,
SOLO & SMALL FILM SECTION CHAIR

We are also fortunate to have President Lesser appoint one of our own, Chair-Elect Cristina Alonso, to the Florida Bar Board of Governors, where she will provide additional insight to the Board on the needs and interests of our section. We are proud of Cristina's work and her efforts to ensure our membership is hear and considered when the Board makes decisions about the Bar as a whole.

Lastly, our annual out-of-country trip this year will be a **10-day exploration of Italy**! Details are out now and we encourage anyone who can to join us on our Solo & Small Firm adventure!

The Solo & Small Firm Section looks forward to a prosperous 2023 and will work to continue expanding the resources and benefits that it offers its members!

INSIDE:

ADDING ELDER LAW TO YOUR ESTABLISHED LAW PRACTICE

by Jill Roamer, J.D., CIPP/US

Law & Privacy Specialist at ElderCounsel, LLC

There are many areas of law an attorney can focus on. Some areas are probably more familiar to practitioners, such as family or criminal law, but some legal realms remain a mystery for both the layperson and attorneys alike. Elder law is one such area. As a result, many attorneys shy away from adding elder law to their existing practice and thus are missing out on a profitable and gratifying opportunity.

What is elder law?

Elder law focuses on issues that affect the aging population. While estate planning focuses on what happens when the individual passes away, elder law focuses on what happens while the individual is still alive. This can include guardianship issues, addressing elder abuse claims, handling discrimination claims, planning for long-term care, and obtaining government benefits.

Many seniors will need long-term care. The U.S. Department of Health and Human Services claims "Someone turning age 65 today has almost a 70% chance of needing some type of long-term care services and supports in their remaining years." What kind of care will the senior need? Who is going to provide this care? How is the senior going to obtain and pay for this care?

Most folks are surprised to learn that Medicare will only cover long-term care costs in limited situations and for a very short time. However, Medicaid will pay for long-term care for individuals who meet certain income and asset thresholds. Navigating these rules and getting the senior qualified for Medicaid benefits is a huge part of elder law. An elder law attorney can help the client protect their life savings while getting the client needed care.

JILL ROAMER

Why add elder law to your practice?

First and foremost, elder law attorneys make a difference in their clients' lives! Clients come in with a daunting problem and you solve that problem for them. You help preserve what they have worked so hard for all their lives so that they can pass those assets along to their loved ones after their passing.

Many lawyers want to provide services that make people happy. Helping people brings personal satisfaction to the lawyer and betters the community. Are you tired of litigation or working in an area of law that breeds constant conflict? While elder law isn't entirely conflict-free, it is oftentimes much less stressful than many other areas of law.

Elder law can also be profitable. Forbes estimates that planning for the "spouse of someone with Alzheimer's disease who has $1.7 million in" various assets would cost $8,000 to $16,000 in legal fees. Imagine the extra revenue you could bring into your firm if you incorporated elder law into your practice.

Steps to get started on your elder law journey.

It can be daunting to delve into a new practice area. But don't let that stop you! With risk can come great reward, for both you and your clients. Here are a few key steps:

Step 1: Education

As with any area of law, you are going to need to know the rules. Read pertinent federal statutes, your state Medicaid eligibility manual, and learn about trusts, wills, and powers of attorney. Attend CLE events specifically for elder law and join organizations

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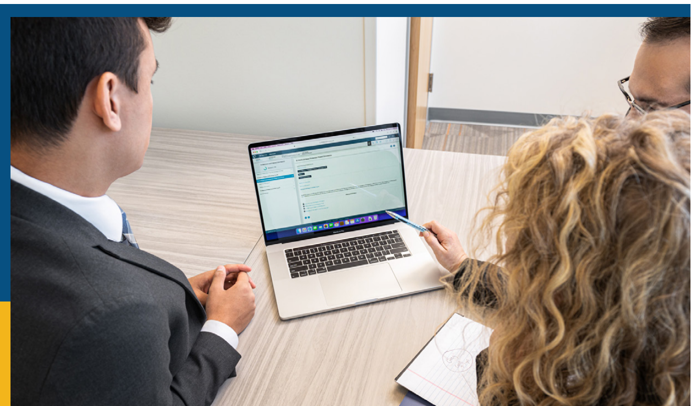

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I AM SOLO

by Twyla Sketchley, Esq.

The Sketchley Law Firm, P.A.

I have had my own solo practice, specializing in elder law, for 20 years. I found elder law while in law school. I took the first Elder Law class offered at my law school at the University of Montana. I've always loved working with older people and elder law gave me a way to do that as a lawyer.

I started my own solo firm because there was only one other firm in my area that specialized in elder law and I wanted to do elder law. For most of my practice it has been me, a paralegal, and an assistant. For a short time, my husband, who is also an attorney, worked with me. No matter the makeup of my practice, I have always had good mentors to help guide me.

Being a solo and running my own firm can be overwhelming. However, I have total control over the clients I represent, the kinds of cases I will take, and who I will work with as co-counsel. These are not luxuries afforded attorneys that work in larger firms.

To be a solo practitioner, one needs a lot of "people" skills. As a solo, I am my own marketer, office manager, tech support, and customer service department. This is in addition to being the attorney who deals with clients, the courts, and opposing counsel.

TWYLA SKETCHLEY

I think I found it easier to start a solo firm than some because of my law school training. It trained us to able to practice law as soon as we passed the Bar. In law school, I also took a class on law firm management where we prepared a business plan for our own firm. I used that plan to start my own firm. The success of my firm is because of the support of my husband, my family, and my friends (attorneys and non-attorneys) who have sent me clients, been good listeners, and always been supportive.

***Twyla Sketchley** is a Florida Bar Board Certified Elder Law Attorney. She is licensed to practice law in Montana and Florida and founded The Sketchley Law Firm, P.A. in Tallahassee in 2002. Ms. Sketchley's practice focuses on elder law, guardianship, fiduciary representation, and elder law related litigation. She is a past Chair of the Elder Law Section of the Florida Bar and a past President of the Academy of Florida Elder Law Attorneys (AFELA). She is a Florida Super Lawyer and has been named a Top 50 Women Super Lawyer in Florida in 2021 and 2022. Always on the cutting edge, her firm is one of the few in the nation that employees a Head Purr-a-Legal, to ensure that all empty boxes are occupied and nothing is allowed to stay on desktops or tables.*

2.24.23

ANNUAL SOLO AND SMALL FIRM CONFERENCE

AUTOMATE & LEVITATE

TACTICS FOR SMALL FIRM BUSINESS OWNERS

8 AM–12:35 PM
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REGISTER

ADDING ELDER CARE LAW TO YOUR ESTABLISHED PRACTICE

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that specialize in this niche so you can learn from the best in the industry. It is also extremely helpful to find a mentor in your state with whom you can co-counsel and ask questions of to really dive into a case.

Step 2: Focus

Now that you know all about elder law, decide what services you would like to offer at your firm. This decision will involve knowing your skills, the types of cases you would like to work on, and the client demographic in your area.

Step 3: Pricing

How is your firm going to charge elder law clients? Will it be a flat fee, by the hour, or hybrid? One way some practitioners choose to charge clients is to charge a flat fee for analyzing the client's case and creating the case roadmap and then if the client chooses to proceed to implement that roadmap, additional fees will be incurred. This way, the attorney isn't giving advice for free and the client can rest easy knowing exactly how their case will proceed before incurring the larger charges.

Step 4: Marketing

Now it's time to let people know! Make posts to all your firm's social media accounts, update your website, send mailers to current clients, contact referral sources, and market to new clients. You could even go on a radio show, start a podcast, or submit a press release to a local newspaper.

Conclusion

Adding elder law to your existing practice can be very rewarding, but will take some effort. Just like with any new endeavor, there will be a learning curve. But elder law is usually an under-tapped market in most areas, with plenty of clients needing services. Instead of referring these types of cases out, take them on and keep those clients (and the revenue) in your firm.

***Jill Roamer, J.D., CIPP/US** has been an attorney since 2011 and is licensed in Colorado and Tennessee. The first six years of her career were focused on tax litigation and elder law. Jill joined ElderCounsel in 2018 and now focuses on elder law, special needs law, and Veterans benefits law. Jill has a passion for these areas of law, as she sees the practical impact they have on families every day.*

***ElderCounsel** serves elder law and estate planning attorneys across the country. Members receive a state-specific document assembly system, top-quality education, marketing solutions, and unlimited support to help build the law firm of their dreams. To learn more, visit eldercounsel.com or email info@eldercounsel.com*

PARALEGAL CORNER

News for Paralegals to Use...

by Priscilla Horn Warren, CP, FRP

Welcome to the Paralegal Corner, where you can find breaking news and other useful items (including website link information) pertaining to our profession.

The Paralegal Association of Florida, Inc. (www.pafinc.org), for its **Annual PAF Fall Seminar, held a virtual conference on "Switching CLE's Up: Variety of Legal Topics is a Paralegal's Spice of Life" on November 4, 2022.** The virtual seminar was followed by a virtual Meet N' Greet hosted by Milestone Reporting, from 5:30 to 6:30 PM. For additional information, go to the PAF website: www.pafinc.org.

PRISCILLA HORN WARREN

SAVE THE DATE: The Solo and Small Firm Section will host its **Annual Solo and Small Firm Conference on February 24, 2023.** The title is **"Automate & Levitate: Tactics for Small Business Owners"** and the speakers and topics for this **virtual seminar** are excellent. Please visit the conference web page—www.flsolosmallfirm.org/automate_levitate/—for more information on registration, or contact our Section Administrator, Ricky Libbert, at rlibbert@floridabar.org or 850-561-5631.

The Wednesday Webinar CLE noontime seminars offered by the Solo and Small Firm Section (free to members!), continue to be popular and welcomed by all, for current information on legal

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issues as well as obtaining CLE credits.

If you are not an affiliate member of the Solo and Small Firm Section, what are you waiting for? Just download the online form today and send it in. Affiliate memberships are only $35 per year. Multiple benefits are available to our members and affiliate members, as detailed in our new website: www.flsolosmallfirm.org. Becoming an affiliate member of the SSF Section might be one of the best personal and professional decisions you will make for your paralegal career to flourish and prosper.

For those of you who wish to learn more about the FRP designation, please log into the Florida Bar website for Florida Registered Paralegals, at www.floridabar.org, and click on the Florida Registered Paralegal tab.

Finally, for additional information on NALA, the nationwide paralegal association, and/or requirements for obtaining your national Certified Paralegal designation, kindly visit the NALA website at www.nala.org for membership requirements and continuing education opportunities that are available online.

Please do not hesitate to contact me with any questions or concerns. My direct email is: **pris2323@yahoo.com**.

MANAGING A LAW FIRM TEAM FOR ONGOING SUCCESS

HIRING, STAFFING, AND GROWING A LAW FIRM

by Lawyerist

Managing Teams for Satisfied and Engaged Employees

What makes a happy employee? Gallup's research tells that the most satisfied employees are engaged at work. Engaged employees have clarity about expectations, believe they have opportunities for professional growth, and know their opinions matter. As the team manager, you're responsible for creating a law firm where employees are engaged. This requires managing people effectively.

Successful Team Managers Follow the Four "Ps"

In Julie Zhuo's book The Making of a Manager, she lays out three qualities of effective management—*people, purpose, and process*—and we've added our fourth: *path*.

- **People.** People want to be cared for as human beings. To care for your people, you need to know them. Engage with them. Build a foundation. Help them define their purpose. If problems come up, coach them through them by asking them thoughtful questions that guide them on the right path.
- **Purpose.** People work with a purpose. Your team needs to see a connection between the work they do and the firm's vision, and your firm's purpose in the world.
- **Process.** Team members want to understand expectations and hear when they succeed. Give each team member clear KPIs—or metrics—that help them know if they are on the right track. Use your accountability chart to show them their role and responsibilities.
- **Path.** Team members want to see how their work fits into their larger career path. Don't be afraid to ask them what they see themselves doing in their next role (recognizing it could be with a different employer). Set the stage for these conversations by assuring them you want to help them with the skills they'll need for future roles now. Show them you care and you're invested in their long-term success.

By being intentional in how you approach your team management, you will create a team of happy and engaged employees. Keep your lines of communication open with your team.

Finally, don't feel you have to put on a front for your team. You may find yourself in uncharted territory—needing to have tough conversations. You may confront issues you're not sure how to handle. Sometimes, starting conversations by acknowledging that this is hard for you, too, can help.

Provide Meaningful Feedback Beyond Performance Reviews

Studies show that employees satisfied with the performance feedback are more engaged and committed to the organization. Engaged employees typically perform at a higher level than those who are unhappy in their roles. It's critical to give quality performance reviews to help your employees see growth opportunities and celebrate their strengths.

To conduct a quality review:

- **Prepare.** Prepare for the review ahead of time. Dig deep into all aspects of the employee's work to identify the positive and negative that deserve attention.
- **Give constructive feedback.** Don't just list shortcomings. Instead, give constructive feedback by explaining what areas an employee can improve and how. Remember to share positive feedback as well.
- **Encourage questions and concerns.** A performance review is a discussion. Allow your employee to speak freely and openly about their roles, responsibilities, and concerns.
- **Request feedback.** Ask your employee for feedback on how they feel the performance review went and what you can do to improve in the future.

Over 70% of high-retention-risk employees say they'll have to leave their organization to advance their careers. Most employees purposely look for employers who allow them to work their way up the ladder. If opportunities do not exist, retention levels decrease. It's important to award top performers proper promotions to keep their talent. The cost to promote them will ultimately be less than replacing them.

Now that you're supporting them as team members, it's time to consider a new approach to law firm compensation.

Lawyerist is home to the largest online community of solo and small-firm lawyers in the world. Through the Lawyerist Lab coaching program, they work with lawyers to build more healthy and successful practices by implementing the ideas from their bestselling book The Small Firm Roadmap and weekly Lawyerist Podcast. Please also see https://lawyerist.com/hiring-staffing/managing-people/.

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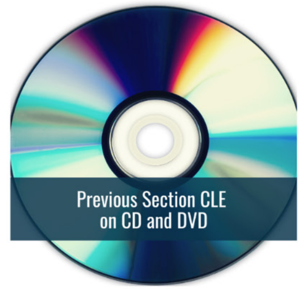

FLSoloSmallFirm.org/CLE

New to the Section? Welcome!

We are glad you're part of the Solo & Small Firm Section and hope that you'll get involved. The section's website contains a wealth of information including a CLE page for easy access to programs that benefit solos and small firms. We encourage you to join one of the section's committees:

- Continuing Legal Education
- Marketing & Public Relations
- Outreach & Expansion
- Publications
- Sponsorship

Other ways to participate include:

- Writing an article for the LINK newsletter
- Sharing the section's social media posts
- Volunteering to make a CLE presentation

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