LEGAL, ETHICAL & PRACTICAL ISSUES OF LAW
—SPRING 2006 SYLLABUS

COURSE EXPECTATIONS

- Eighty percent attendance in class. You will be expected to sign in at the beginning of each class.

- Contact Information: Jim Winton, Baker & Hostetler LLP, 1000 Louisiana, 20th Floor, Houston, Texas 77002-5009, Tel: (713) 646-1304, Fax: (713) 751-1717, jwinton@bakerlaw.com. Feel free to contact me any time you need to.

READING ASSIGNMENTS

We will rely on selections from Thomas McKnight Steele, MATERIALS AND CASES ON LAW PRACTICE MANAGEMENT, LexisNexis, 2004. Additional materials and cases will be distributed in class.

CALENDAR

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<tr>
<th>Week</th>
<th>Subject</th>
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<td>17 January</td>
<td>Gyges Ring--You are who you are in the dark; Advances vs. Retainers, what do clients seek—descriptions of their problems or solutions; the trust obligations of attorneys in the conduct of their representation of their clients (the ability to run up fees without control); trust accounts and other traps for the unwary.</td>
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<td>24 January</td>
<td>Law Firm Organizations; costs and benefits and detriments of equal control, a fixed ladder, pure merit compensation, eat what you kill compensation systems. READING ASSIGNMENT: Text at §§ 1.01 – 1.02; 2.056 – 2.16; 3.01; and 3.01 – 3.04.</td>
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<td>31 January</td>
<td>Jimmy Brill--Perspective of a solo practitioner on issues of client development, conflicts, and selling law practices.</td>
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<td>7 February</td>
<td>Brian Schaffer, Regional Disciplinary Counsel, Houston, State Bar of Texas--The Disciplinary System and the Top Ten Grievances.</td>
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<td>14 February:</td>
<td>Anne Foster, State Bar of Texas, Texas Lawyers Assistance Program and veteran of the program to discuss, “This Couldn’t be Happening to Me”</td>
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21 February: Gus Schill, Old Wine in New Bottles; Texas Lawyers Creed or it's not necessary to be a jerk to practice law effectively for your client, sometimes being a conciliator is the right answer.

28 February: Lynette Fons, Advertising Rules, role of the SBOT Committee to address issues and the process for getting advertisements approved.

7 March: Calendar management and back-up systems; Software particularly applicable to solos, discussion of what it costs to open a shop; time management, etc.; Mentor Resources and SBOT/TYLA web page.

14 March: Personnel manager to discuss the actual costs of a secretary, cost of personnel turnover, how to hire and fire; cost accounting (why you must keep time, etc), tracking unbilled cost of work in progress, aged accounts receivable, etc., typical month—how much gross must be generated to meet a monthly take home goal; how many hours have to be billed to generate that gross; income tax due on that take home pay; slippage between hours at the office and hours billed and how much it costs to go to the bathroom.

21 March: Spring Break.

28 March: Unauthorized Practice of Law Committee, and the use of paralegals.

4 April: Tom Taylor, Taylor & Warren, small firm and solo defense practices.

11 April: Plaintiff’s counsel, small firm and solo plaintiffs’ practices.

18 April: Fee contracts, contingent fee agreements, and how to avoid being taken to the cleaners by a client.

25 April: Open Discussion of Issues.

3 – 13 May: Final Exam.

**BASIS OF GRADE**

The grade will be based on three things:

1. A relatively simple business plan addressing the following, worth 50% of the grade.
a. Prepare an organizational chart for a two partner firm with five associates, two paralegals, and appropriate office staff to serve the above in terms of secretarial support, time accounting, billing and library support;

b. An office space plan providing for growth potential based on existing rates in the geographical area in which the firm will operate, taking into consideration the practice area and clientele of the firm;

c. A plan for partnership/shareholder accession and associate/staff retention;

d. A timekeeping and billing system, including the capital and operating expense thereof;

e. A CLE compliance program and cost system;

f. IOLTA compliance program;

g. Trust account system;

h. An appropriate agreement under which the firm will operate, whether it be partnership, LLP, LLC, corporation or other and a plan for withdrawing partners, etc.

i. A revenue plan which includes gross revenue necessary to support fixed and variable overhead of the above, as well as funding of benefit plans for partners and staff and retirement packages for all based on data that is publicly available.

2. A final exam, worth 50% of the grade in which the students will discuss, in essay form, issues of ethics and professionalism as applied to subjects discussed during the semester.

3. Up to one-half point based on meaningful class participation.