

# THE PRACTICE

*Creating, Growing, and Maintaining  
A Successful, Client-Centered  
Estate Planning Law Firm*

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## Preface

This is a “how to” book for estate and business planning attorneys. The first (and only) book of this type was first written nearly 20 years ago, by the pioneers of modern estate planning – Robert A. Esperti and Renno L. Peterson. The name of their book was *Creating a Loving Trust Practice*. The things that they wrote nearly two decades ago about building relationships with clients and other professionals are still absolutely relevant today, and have been included verbatim in this new work.

Over a period of about ten years, Esperti and Peterson built a firm, without money or experience in professional practice, from two attorneys to nearly 50 attorneys, and billings in excess of \$5 million – all by emphasizing estate and business planning. Since the late 80s, hundreds of attorneys across the nation have used their ideas and techniques to build successful estate and business planning practices of their own. I have had the great fortune to be one of their students and colleagues.

And while much of what they wrote has not changed at all, a lot of things in the world have changed. Estate and business planning, as a profession, has matured. The financial markets have risen and fallen several times, and with it the fortunes of some of our clients. Technology has not only had a great impact on the economy, but has (for better or worse) created whole new ways of doing business and running a practice. The tax laws have changed hundreds of times in big and little ways, and there’s no indication that Congress will ever stop tinkering! And as Americans, we are a little more aware that life is precious and uncertain, and that we are not immune from the tragedies and terrors of life.

All of this change and uncertainty has wreaked havoc in the practices of some attorneys and financial advisors, and yet it also brings untold opportunity for all of us. There is still untold wealth to be passed on from baby boomers to subsequent generations over the next 30-40 years. People still have hopes and dreams that they strive to reach, and fear that they strive to avoid. Human relationships are still wildly complex, and those who bring confident advice and counsel to those relationships, are still in great demand.

This book is written with ALL estate and business planning attorneys in mind. We hope to encourage more practitioners to emphasize people planning in their practices, and to be able to tread on unfamiliar turf with a little more enthusiasm and comfort. Every year it seems that dozens of attorneys transition from a practice that wears them out and tires their soul, to one in estate planning that is people-centered, relationship-based, and both pleasant and profitable. This book is also for the estate and business planning veteran who feels like they’re in a rut, or would benefit from a back-to-basics look at their life and practice.

Like its predecessor, this book is written in a question-and-answer format to enhance readability, and to hopefully make it useful as both an inspiration and a handy desktop reference. In addition, recommendations are made throughout the book to use a variety of forms, checklists, and other tools in the management of the practice. Virtually all of

those tools can be found in the accompanying volume called *The Practice ToolKit*<sup>™</sup>, also published by the National Network of Estate Planning Attorneys.

In describing a statesman, Woodrow Wilson could have just as easily been describing the estate planning lawyer when he said, “He [she] is a guide, a counselor, a mentor, a servant, a friend of mankind.”

Daniel P. Stuenzi  
Co-Author & Editor  
Sarasota, Florida  
Summer, 2003

## Acknowledgments

This project would have been impossible without the generous contributions and encouragement of Robert A. Esperti and Renno L. Peterson. As mentioned in the Preface, I used several portions from their original 1989 work, *Creating a Loving Trust Practice*, both in content, and as inspiration for this expanded version.

Bob and Renno are known internationally as master estate, business, and wealth strategies counselors. They are the authors of more than 25 books for the public and profession, and the founders of the National Network of Estate Planning Attorneys, the Esperti Peterson Institute, and The Academy of Multidisciplinary Practice. They are also the Chancellors, Deans and Adjunct Professors of The Estate and Wealth Strategies Institute at Michigan State University.

I am grateful to be able to call them mentors, colleagues, and friends.

I was joined in this effort by a team of my esteemed colleagues who served as contributing authors of various sections of the text. Their thoughts and experience are mixed liberally throughout, and their insights added depth and a variety of perspectives to the work. My deepest thanks to David Clauss, Ashley Cobb, Steve Gammill, Amy Kaufman-McLellan, Bo Loeffler, Steve Mancini, Tom Mann, Steve Newman, Andrew Sigerson, Howard Stern, Joe Strazzeri, and Scott Williams. Your effort on behalf of your colleagues is very much appreciated.

Thank you also to David K. Cahoone, former president of The National Network of Estate Planning Attorneys and Esperti Peterson Institute, and Chief Education Officer for the Quantum Alliance companies. David is another well-known national speaker and legal powerhouse. He graciously allowed me time to work on this volume amidst my many duties with the National Network, gave me some valuable editorial tips, and encouraged this project for the benefit of our members and other attorneys.

Finally, I'd like to thank all my colleagues in the National Network of Estate Planning Attorneys and the Esperti Peterson Institute who have served as examples of how to create, grow, and maintain a successful estate and business planning practice. This work is based on what I've learned from the experiences, both good and bad, of these hundreds of practitioners. The questions in this book are often worded with "we" and "our" and that is a reference to our collective experience. The real-life accomplishment of these colleagues is what gives this reference book a measure of credibility.

## **SPECIAL NOTE FOR THIS 1<sup>ST</sup> EDITION**

This first edition of *The Practice* is being released in a loose-leaf format. We thought it was important to make it available as quickly as possible, but we don't think it's "done" – and maybe it never will be!

As you read this edition, please provide your comments and suggestions for improvement. If you think of other topics or sub-topics about which you'd like to have more information as you build your practice, please let us know that as well.

We'd like this volume to be ever growing and expanding with input from our members who are out there, actually putting these concepts into practice in the marketplace.

If you have suggestions, editorial comments, or input of any kind, please e-mail Dan Stuenzi at [dans@nnepa.com](mailto:dans@nnepa.com).

## Introduction - Practice Law the Way You Live Your Life

### Is this Book for You?

For some of us, the practice of law has been a pleasant and fulfilling experience. Unfortunately, others have spent too many of those days, weeks, months, or years when they have not been happy with their legal lives. If you identify with any of the following observations, take heart--this book is for you.

### The Realities

Some practitioners are genuinely overworked and under-compensated. They do not have a zest for what they do. They view their clients as irritants, sometimes even as enemies. Their practices are not what their law school dreams were made of. What is particularly sad is that so many of these practitioners are extraordinarily talented and have much to offer their clients.

Many practitioners love what they do. They care about and enjoy their clients, but they have never learned to pace themselves. They find it difficult or impossible to say no to any person or request. They find themselves losing a race against time, with no opportunity to slow down and really enjoy their practices. Is it any wonder they lack energy and constantly feel drained?

For others, our profession is simply the job or the office. More than one lawyer has grumbled, "My practice just isn't what I expected it would be," or "I wouldn't want my son or daughter to be an attorney," or even "The practice just isn't what it used to be; it isn't fun any more."

There have never been more of us than there are today, and our numbers are increasing at an exponential rate. Too many attorneys are chasing too few clients and often working as hard to collect their fees as to earn them:

Listen, Herb, we put in the hours. The detail is all on the computer printout. What do you mean, forty-six hours of preparation time on that closing is ridiculous? Do you have any idea how complicated that closing was? I'm not yelling! It's just that on the last matter we handled for you, you complained that my fee quotes were too inflated. Now it's too many hours.

I suppose you think our rates are too high, too? You do--well you can take your files . . . Hey, wait a minute, Herb. Let me review your bill and get back with you.

Another write-down of a fee in the process of happening. Another client salvaged at the expense of our pride and the bottom line. What a great deal.

Many of us do not have as much enthusiasm for the law as we did in the early days of our practices. We often blame our situation on the public, our partners, the firm, or even our marriage. Somehow, we do not really know where the blame lies; we only know we need a change.

We put in too many hours or receive too many telephone calls (pink or yellow irritants that only go away when you contact their source and leave another pink or yellow slip to call you back). We feel too much pressure.

There are those who have allowed their practices to run them rather than the other way around. They have neglected their health:

Well, Doctor, I just can't find the time to exercise consistently and kick the habits caused by the pressure of what I do. I know I'm overweight, Doctor. I'd exercise more if I had more time. And besides, my back has been killing me lately. When I think of exercising on those few weekends I'm not working, I lie down and the feeling goes away. Of course I smoke too much! Who's uptight? How can you say I'm a walking candidate for a heart attack? My blood pressure is what? My stomach's fine since I cut down on my drinking. My triglycerides are what? What's a triglyceride? Who's shouting? If you hadn't kept me waiting so long, I wouldn't be so uptight. Can't you put some magazines out there that are less than a year old? Listen, Doc, I'm really late for an appointment . . .

Too many practices have taken their debilitating toll.

Many of us have felt a heightened sense of time pressure as the years have passed. We bet that if you look back, most of you thought the opposite would be true, envisioning a future green with golf courses, tennis courts, and uninflated dollars.

About the matter of keeping up technically: "Don't even mention it! It's a nightmare! I couldn't sleep at night if it wasn't for malpractice coverage." The more seasoned the practitioner, the greater demand on his or her time for client conferences, meetings with co-counsel, opposing counsel, partners, and associates. (It always takes three meetings between an associate and a partner to solve one problem: one to discuss it, one to argue over it, and one to set about redoing it.)

Most of us plan everything to the nearest tenth of an hour, and then the court or others destroy huge hunks of our calendars with changes to their calendars. Living life according to six-minute calendar segments takes getting accustomed to, especially when the calendric sense of others pays no heed to our own. Thank goodness we can hide behind, "I'm very sorry, he/she is in a meeting and can't be disturbed."

Law school advocacy was neat and tidy. For the practitioner, the real world too often involves fighting with everyone, from the "other side" to your own partners and clients. A problem many of us face is not being able to turn off our legal (gladiatorial) aura before

greeting friends and loved ones--and we wind up kicking the dog. Most clients want a sharp, tough lawyer. The problem is, Attila the Hun behavior does not necessarily endear us to others. "Why doesn't anybody like me? It's all the system's fault, you know."

Sure, Doc, I have considered slowing down a bit. The problem is, I can't afford to. Do you have any idea how much it costs to keep the doors open? What it costs just to keep the library current? Secretaries start at more money than I made four years into the practice. Paralegals make more than partners used to. Inflation! So help me, I'd find some time just for me, you know, private time, if it wasn't for the demands of my practice and my family's spending habits. The cost of those tap dance lessons, braces, French lessons, and club dues is killing me. Besides, how could I afford to pay you \$125 an hour three hours a week?

Slow down? Did you say slow down? What do you mean, if I can't take the heat, get out of the kitchen? Good lord, man, what would I do? Law is all I know!

## A Solution

We suspect that many will identify with one or more of the attributes we have ascribed (with tongues only lightly planted in cheeks) to the frenetic life of the practicing attorney. If you own up to more than your share, do not despair; we have a solution. Put a little more emphasis on estate and business planning in your practice.

Go ahead--give a little love. We predict that you will get more than a little back. Estate planning is people planning. It involves people who care about people asking your help to provide for loved ones, or for philanthropic loves. "People loving people"--it's a nice way to practice the law.

In estate planning the only enemies you are likely to confront are the real bad guys: the IRS; the "Henchman of Red Tape" (a mythical archvillain believed to lurk in the darkened recesses of the local courthouse and an occasional law firm file room); and those "ungrateful, unloving, rotten-to-the-core heirs who are not to receive one red cent!" It is fun to punch out real-life Darth Vaders through good planning, particularly when you do not run the risk of getting punched back.

If your stomach wrenches every time the telephone rings, you are a perfect candidate for emphasizing estate planning in your practice. Estate planning clients seldom call. When they do, they almost never yell, scream, or otherwise display unsavory emotional behavior. In fact, they usually call either to ask a low-key, sensible question or to introduce a friend or relative who will soon become another estate planning client. Our attorney clients certainly envy the obvious absence of "pink or yellow slips" in our offices.

Your clients will be more than anxious to tell you all about themselves. When people talk and you take notes, they tend to think that you are a very nice person. In a world that likes to talk, it is fun to be listened to. The more you ask your clients what they want to do, the more they will seem to like you, particularly when you tell them that the only ideas you cannot accommodate are those which could lead to illegal activities.

It seems to us that working with nice people in a non-stressful atmosphere in which you don't have to verbally clobber somebody to get his or her attention is probably good for your health. More importantly, you don't have to worry about getting clobbered back. We have not seen any medical studies relative to our thesis, but if they exist, we are sure they will prove that practitioners who emphasize estate planning in their practices will take fewer sick days and live longer.

Estate planning is profitable. The vast majority of our clients have paid our fees by giving us a check the day they engaged our services, and another check on the day we executed their planning. That day, we might add, was almost always within three to four weeks of our first client meeting! A large percentage also shook our hands or even hugged us, expressing their sincere thanks for our participation in accomplishing their objectives. Pleased clients are happy to express their pleasure.

By emphasizing the people planning aspects of estate planning so much, we are really doing more people planning than traditional estate planning. Many who become involved in an estate planning practice, find it much more rewarding in terms of personal satisfaction and wealth than any other aspect of their practice. We hope that will be your experience as well.

You may be able to shrug off the aggressive and confrontational aura that prevails “on the job”, and instead begin to practice law the way you live your life – at home, in your community, at your place of worship. It’s amazing how a change in practice can help to make you one complete and unified person again!

Robert A. Esperti  
Renno L. Peterson

**Chapter 1**  
**Plans that Work for Clients,**  
**A Practice that Works for You**

## **1. Plans that Work for Clients**

### **What is a plan that works?**

A plan that works is a plan that meets the expectations of the client. At the time the client becomes disabled and can no longer make his or her own decisions, is the client's property held, managed and distributed as the client *at that time* wants it to be managed and distributed? At the time of the client's passing, is his or her property administered and distributed as the client *at that time* would have wanted? An estate plan that does what the educated client *thought* it would do is a plan that works.

It is a counseling issue. If you as the attorney can learn the hopes, dreams, fears, goals and aspirations of the client, even when the client isn't at all sure what those aspirations might be, the end result stands a far better chance of meeting those expectations than if the attorney pulls a standard "one size fits all" will or trust from the shelf and hands it to the client for signature.

We tell clients that one of our objectives is to have their children and grandchildren look at each other after all is said and done and say, "Well, how about that? This plan really worked!"

### **Is it safe to say that many plans don't work?**

Yes. Plans that are drafted by attorneys who embrace counseling and who seek to establish and maintain ongoing relationships with clients are much more likely to ultimately work.

In our experience clients, if left alone, will typically ignore their estate plan, whether it be a trust-based or a will-based plan. They may know that they have a plan, but they certainly don't think about it very often, and it most assuredly does not occupy a lot of thought in the midst of their daily busyness.

An informal study done by one of the co-authors of this work found that the typical couple was bringing in plans for review that averaged over 19 years in age. What is the likelihood that a plan reviewed and never updated, or updated only after many years will successfully meet the expectations of the client?

### **Why don't plans work every time?**

There are a number of reasons why an estate plan fails. In addition to what has been discussed already, three common problems come to mind.

#### **a.) Funding Failures**

A trust-based plan must be appropriately funded. That is, all of the client's assets must be retitled to the trustee of the trust in order for those assets to be controlled by the terms of the trust. Clients without help will often forget about funding, procrastinate on the paperwork, and/or decide that a particular asset is too inconsequential to fund into their revocable living trust. In addition, even if everything is correctly funded when the plan is first drafted, assets change all the time, and future funding is very much in doubt if left to the client alone.

For example, we had a client a few years ago who purchased a vacation home in New Mexico. The purchase was made on impulse while the clients were vacationing. The local title company was inexperienced and the clients were led to believe that to purchase the property in the name of their living trust would be confusing and possibly not even legal. The clients, of course, did not have their trust with them, and decided they would simply close in their own names and would advise our office upon their return to transfer the title into their trust. Would it surprise you to learn that they forgot and that the problem was discovered a couple of years later when the husband passed away?

Earlier in our practice we provided the client with a detailed instruction letter describing the importance of funding and how to accomplish it. We found a myriad of funding problems later, usually when a client became disabled or died!

#### **b.) Changes In The Law**

Changes that occur in state or federal law regarding wills, probate, taxes, trusts, Medicaid, asset protection and any number of other legal areas can cause an unmodified estate plan to fail.

We know that tax laws change constantly. But because a good estate plan touches on virtually every area of life, for the client and for future generations, the attorney should be aware of how all types of legal changes can impact the plan.

#### **c.) A Better Way To Express It**

Since the estate planning attorney is continually learning and growing, both personally and professionally, we will often learn new ways to accomplish client objectives. It may be a brand new technique, or a better use of an old technique. Sometimes it's just the way the thoughts are expressed and the language that is used. The benefit of that learning and growth should be passed on to our clients.

Sometimes when we review legal work we did years ago, we're embarrassed by the lack of polish that we are capable of today. But sometimes a problem that couldn't be solved several years ago can now be solved because of new law or new techniques. The plan won't work as well as it should unless we bring the new skills to bear on the client's original design.

## **Is probate as bad as everyone tries to make it?**

The truth is some probates are “bad” and some aren’t. Some probates cost too much money and some don’t; some take years and years to conclude and some less than one year. But there are plenty of horror stories to go around.

Probate is simply a legal proceeding whereby the court appoints someone to

- gather together the decedent’s assets,
- make sure all of the bills and debts get paid, and then
- distribute the decedent’s assets to the heirs and devisees.

That sounds simple, and sometimes it is. How complicated and involved a probate proceeding is depends upon a multitude of factors and contingencies. It is also dependent upon the state in which the proceeding is being conducted. Attorneys’ and personal representatives’ fees as well as the complexity of the proceeding can vary widely from state to state.

In states that have adopted the Uniform Probate Code, there is at least the opportunity for a probate proceeding to take only a few months and not be terribly costly. We typically advise clients that probate is something to be avoided, that it is more costly than it needs to be and takes longer than it should. But probate avoidance is not the primary advantage that a trust has over a will. After all, you can also avoid probate with beneficiary designations and joint ownership. Besides, there are costs in settling trusts as well, though they are typically less.

## **What is the “magic book” theory?**

Sometimes clients are under the impression that because a trust avoids probate, that there is absolutely nothing to do after death. So they look at the beautiful estate planning portfolio we give them and think, “I’ve done my estate planning. I’m all set for life. My trust does it all! Nothing else is needed.” That ascribes to a lowly stack of documents almost magical power!

We teach clients, however, that their trust portfolio is NOT magic. It cannot gather assets, follow instructions, re-title property, file tax returns, and all the other things that must take place at the time of death.

## **Why is control by the client so important?**

In our experience the most important thing to virtually every client is to maintain control of their life and property. They don’t want to give up that control even if it means avoiding probate and saving taxes! It is that desire for control (usually the most important thing on their priority list) that causes us to want to make our practice as client-centered as possible. When everything is built around the client and the client’s needs, they feel empowered and in control. When you enable them to maintain control over

their affairs in spite of circumstances, you become their hero and they are happy to pay your fee.

Client control over the plan that is created not only enhances the probability that the plan will work, but also gives the client positive ownership of the plan. The result is a satisfied and happy client. They are happy with their plan and they are very happy with their planner. This style of planning is unusual and will help you stand out from the crowd because the client has often had experience with attorneys who want to control everything about the plan themselves! When that happens, clients rarely understand nor appreciate their plan.

### **What about the will vs. trust controversy?**

This “controversy” takes the form of, “Is a will or a trust a better document for me to use, and why?” In many parts of the country that argument ended years ago, and trusts clearly came out the winner. In other parts of the country, however, the debate still goes on. Each tool has its proponents.

Those who like to use wills as their primary planning tool point to the fact that:

- A will costs less, at least initially
- Probate is not all that bad today in many jurisdictions, and a Power of Attorney can take care of disability issues, so a will is all that’s necessary
- Better creditor protection can be achieved through a will and a probate
- Some assets are better passed to heirs through a probate.

Trust proponents will site the following facts:

- A trust becomes effective the minute it is created and funded so it is useful during life, not just after the client’s death
- A trust can provide control when the trustmaker is disabled
- A trust avoids probate
- A trust provides superior creditor protection after death
- A trust provides privacy
- A trust is less likely to be challenged by disgruntled persons

While not every person can afford to establish a revocable living trust based plan, it is fair to state that nearly every person could benefit from the use of such a trust.

## **What do you mean when you say, it's not about documents - it's about results?**

The bottom line is that it really doesn't matter that much to a client whether an attorney uses a will or a trust. They only care that they keep control, that their wishes are carried out without problems, and that the plan works when it's really needed. While attorneys argue about wills and trusts, clients really want a trusted advisor, a relationship with a professional they can count on, and a measure of knowledge and wisdom from that advisor. They care very little about the particular documents used to meet their goals.

By majoring on the relational and counseling issues, and creating a positive experience for the client, they are less likely to focus on which pieces of paper you are drafting, and less likely to expect to pay you per document.

## **2. A Practice that Works for You**

### **How are plans that work for clients related to a practice that works for me?**

When you have worked out, with your clients, a unique plan that thoroughly meets their personal needs, you can't help but enjoy a tremendous sense of personal satisfaction. Moreover, when your client recognizes the care that you have taken to discover and fulfill their highest priorities, they deeply appreciate your commitment. Such a working relationship sets you and your firm apart from most of the legal community. From a financial perspective, this makes a significant difference, since clients who value your services and trust you implicitly will remunerate you accordingly. You will find that they readily accept your recommendations and eagerly recommend your services to their friends and relatives seeking a reliable attorney.

### **What is the secret of success?**

The story is told of Andrew Carnegie, the great steel magnate, visiting one of his mills on a routine inspection. He was high on a catwalk, overlooking a sea of blue shirts on the backs of men working throughout the mill, like bees in a hive. A worker managed to push his way to the front of the entourage and speak with Carnegie directly. He asked, "Mr. Carnegie, what is the secret of success?" Carnegie answered, "Young man, the secret of success is to work like hell, and *wear a red shirt!*"

Those words are relevant far beyond the steel business. In the estate planning practice, there is no shortage of hard work. But it is equally important to wear that "red shirt" so you can stand out from the crowd. If you read and apply the suggestions in this book, you will be able to stand out from the crowd of professionals that refer to themselves as "estate planners".

### **What is the measurement of success?**

Success concerns your whole life in all of its facets; like life, success is composite. While financial success is an important part of the equation, it needs to be kept in balance with your personal, family, spiritual and emotional needs. Also, your professional life should contribute to your need for a meaningful role in society.

Furthermore, success requires tremendous clarity in your goals, and precise measurements of the returns that you expect on your investment of time and energy in your work. You need to write down your specific goals and a timeframe (three months, one year, five years) to fulfill each one. You should distinguish between short-term and long-term goals, to gauge your progress. Each achievement must be precise and measurable, such as a specific number of clients per week, a particular gross income, or a set number of vacation days.

The process of writing out your goals and your plan to meet them is extremely satisfying. People are often amazed at how quickly they meet their goals when the plan to meet them is in writing, sometimes finding that their five-year goals have been met within one year, or their ten-year goals within two.

Measuring your success is the most important factor in achieving it. If you don't know when you have achieved your goals, you will miss the satisfaction of having fulfilled them. To sustain success, you need to recognize and enjoy its progress.

To measure your success, you should be as concrete as possible in defining your goals, with a precise yardstick to measure each one. For example, if your goal is to earn enough money to pay for your children's college education, you need to calculate the expense involved and to determine a timeframe to meet it. Then you must incorporate this into the goals of your practice. This means defining the income that you require, the timeframe to reach that income level, and the strategy to reach that objective.

Also important in measuring success is to put in place a tracking system so you know where you are at any given moment. Since the goals should be simple and tangible, the system should be easy to implement. The final aspect in measuring your success is to have someone else to assist you in sticking with your plan, sharing your progress and acknowledging your accomplishments.

### **How long should it take my practice to become profitable?**

On average, it takes most businesses three to five years to become stable. During the first years, it is not uncommon for business owners to experience a roller coaster of profits and losses. However, a dynamic and well-organized business can spring up and become established in a much shorter time-frame. So much depends on you. How much of your time are you willing to devote to estate planning versus other facets of the law? How are your people skills? Are you a gifted teacher? If you market yourself competently and with confidence, it's not unusual to become profitable in a very short period of time.

## **What does it take to create a successful practice?**

One key to creating a successful practice is to be so organized that each client receives the same highly professional, personal service. It is important to identify what makes your practice unique and desirable to clients, and to market your firm to clients who would benefit the most from your services. That consistency in service is developed and maintained through the use of systems. There are several suggestions for systems throughout this book. In addition, the companion volume *The Practice ToolKit™* contains a wide variety of system tools from employee manuals to checklists, guidelines, engagement letters, procedures, and much more. Both of these tools should help you provide that consistency that will make you successful.

## **Why should I develop an estate planning practice?**

Estate Planning is grounded in satisfying, long-term relationships between attorneys, their clients, and their clients' families. The stress and strife that lawyers face in more litigious areas of practice, and the mistrust and alienation that they often face from their own clients, is wonderfully foreign to our area of work. More than in any other field, you get to know what and who it is that your clients care for, and you help them put that care into practice throughout their retirement and beyond. You're dealing with people at the most generative time of their lives, when they have carefully saved for themselves and their families, and they now have the chance to share that wealth. They appreciate your expertise and care in helping them do this in an efficient and loving manner. Unlike many fields of law, Estate Planning clients are happy to come to your office. And these relationships are very rewarding for you, too—not just knowing that your work helps people, but in the give-and-take of a meaningful rapport with your clients.

Also, Estate Planning is uniquely interesting and potentially very lucrative. This work challenges its professionals to keep current with ever-changing tax codes, and the intricacies of working out an estate plan never become tedious. A well-organized practice, particularly run by professionals who welcome this level of challenge, is poised for steady income growth over time.

## **How can I develop a successful estate planning practice?**

First, read this book. Get a sense of what you would like to accomplish and how.

Second, set up your office and your support team so that any time you're out of the office, you can rely on a well-trained staff to tend to clients. They should be able to take care of everything but the work requiring your unique expertise; all the more so among tasks where their strengths exceed your own.

Then, use the freedom that this affords you to get out to meetings, to network, and to market yourself. Build relationships with referral sources, identify areas where your

services fit their needs better than the competition (as they will if you are reading this book), and find an effective way to convey this to anyone who will listen. Finally, join a coaching group or a practice-building course to sustain your momentum, set your goals, and hold yourself accountable to accomplishing them.

### **What steps can I take to develop a practice that works for me?**

1. Determine what is important to you and establish priorities.
2. Be sure to set aside the time to get important things done, and time to enjoy your successes.
3. Make a point of scheduling and taking vacations.
4. Spend time doing things that make you happy you will bring the joy into your business.
5. Identify your strengths and put them to use. Discover your weaknesses and surround yourself with people who will compensate for them.
6. Create systems that give potential clients all they need to determine whether your services are right for them. This will help you avoid feeling rejected, by actively seeking out clients who make a good match. Keep evaluating what works and improving your level of organization. The right people will find their place in the process, and the wrong people will be filtered out.

### **Do I have to limit my practice to estate planning?**

Estate Planning is inherently complex and sophisticated. It involves extensive planning on many levels. Other areas of law are closely related, such as business planing and investment planning. A good attorney knows what they do best, and knows enough to refer work beyond their scope of expertise to other professionals.

The important thing is that you do what you do well. It is easy to spread yourself through so many legal disciplines that you can't keep up with any of them, and you become a "jack of all trades, but master of none". Certainly practice according to your interests and passions, but understand that you can have a very profitable practice dedicated exclusively to estate planning.

## **3. Begin your Practice with the End in Mind**

### **A. Type of Practice**

**What things should I consider as I decide the type of practice I want to have?**

There are, of course, many different kinds of estate planning practices. Some focus on lower net worth cases, some on asset protection planning, some on very high net worth cases, some on Medicaid planning, and so on. Each has its own set of advantages and disadvantages. The focus on smaller cases usually means less complexity for the practice. On the other hand, they usually generate lower fees per case than some other types, and you would require a greater volume of new cases to generate a satisfactory level of income. The challenge is not only generating a large number of clients, but also developing the practice procedures to effectively, efficiently, and profitably handle that volume.

If you wish to focus on higher net worth clients, the challenges include developing the expertise necessary to understand complex business, personal, and financial situations, developing the expertise to be able to design and implement the sophisticated strategies necessary to accomplish the higher net worth clients' goals, and developing the ability to attract this kind of client.

If the practitioner's practice is in a geographic area where there are relatively few high net worth families, it probably would not make sense to attempt to focus exclusively on high net worth cases.

### **What things should I consider as I decide the type of clients I want to have?**

For most of us, the first thing to consider is the personality of the client. If a prospective client is not someone you enjoy being with, that client might not be the right person for you to represent. We'll see more about that in the next question.

You might also want to consider your desire to acquire the additional knowledge and skills necessary to handle higher net worth cases. In our experience, substantial and continuing effort and cost (in terms of individual study and attendance at continuing professional education events) is necessary in order to develop expertise in the sophisticated strategies that higher net worth cases will usually require.

If you wish to handle Medicaid planning cases, for instance, the same concept will apply. Medicaid planning and related "elder law" cases are surprisingly complex and will require effort by the practitioner to develop the requisite expertise.

### **How do my choices regarding clients affect my enjoyment of my practice?**

When it comes down to it, your practice is defined by your clients. The clients you choose to work with will have a direct impact on your enjoyment—not only during work hours but all the time. Remember that it's your practice, and you DO get to choose who you work with! There are so many people who are willing to work with you, participate joyfully, and be grateful for what you are helping them to accomplish. Why choose to work with the unhappy, negative, distrustful, and demanding ones?

### **Should I expect my practice to change over time?**

Most practices change over time. Maybe it's because as a group we are curious and anxious to learn more and be more. Sometimes you will be called upon to handle a new kind of case, and will be forced to acquire additional knowledge quickly, or to collaborate with a colleague who possesses the requisite expertise, and as a result will determine to handle more cases of that nature. Then, by whatever marketing strategies might be appropriate, you will begin to attract more cases in the desired new area. The practice will continue to evolve in a way that stretches and challenges you, while also hopefully enhancing your satisfaction.

The practice also tends to change naturally and without design. As you teach other professionals and serve clients well, your reputation in the financial community grows. As your reputation grows, it's not unusual to be referred cases of higher and higher net worth.

### **What do you mean when you speak of a mid-tier practice?**

A mid-tier practice is usually defined as a practice that involves clients with a net worth in the range of 3 to 25 million dollars. Planning for mid-tier cases involves more expertise than would be required for simpler cases that might be handled with basic revocable living trust and life insurance planning, but usually will require less expertise than the more complex planning required in high net worth cases.

### **What do you mean when you speak of a high net worth practice?**

A high net worth practice would focus on clients whose net worth exceeds 25 million dollars, often by a very substantial amount.

### **What are the advantages of a mid-tier practice?**

The advantages of a mid-tier practice include the ability to work on interesting cases involving a combination of various planning strategies, with clients for whom the attorney can accomplish very substantial tax savings while generating substantial fees.

### **What are the challenges of a mid-tier practice?**

In our experience, the challenge of the mid-tier practice is the ability to communicate the value of the planning to clients who may view estate planning as merely the creation of "form" documents that the client could acquire from the local office supply store or online.

### **What do I need to learn to practice with mid-tier clients?**

In addition to understanding the federal gift, estate, and generation skipping tax transfer system, you should also be very comfortable with planning tools such as revocable living trusts, irrevocable life insurance trusts, qualified personal residence trusts, family limited partnerships and family limited liability companies, grantor retained trusts and charitable planning techniques.

### **What are the advantages of a high net worth practice?**

The advantages of a high net worth practice include the opportunity to work with very interesting families who, in addition to possessing a desire to protect and pass along some degree of their financial wealth to their loved ones, often have a desire to leave a legacy of significance for their descendants, their community, and a wide variety of charities. The intellectual stimulation derived from working with clients like this can be very rewarding, as can the satisfaction of knowing that you have contributed in a meaningful way to a plan that will truly make a difference in our society.

### **What are the challenges of a high net worth practice?**

The challenges of a high net worth practice are very different than the challenges of handling mid-tier cases. The practitioner must have at least the same level of technical expertise as is required for a mid-tier case. At the same time, however, the high net worth practice also requires outstanding communication and people skills, plus the ability to collaborate with other experts graciously. This is not an area of practice for the “lone wolf”.

### **What do I need to learn to practice with high net worth clients?**

It probably goes without saying that you must have a thorough understanding of a variety of planning techniques and tools and how they can be seamlessly integrated.

The practitioner should also be able to engender the confidence of the client. That does not come from communicating your expertise to the client, but rather comes from possessing strong confidence in your abilities. In early meetings with the high net worth client, it is important to remember that the meeting is not about the lawyer, and that the meeting is not about finding a solution for the client's plan. Rather, the early conversations should almost always be an attempt to clearly understand the client and the client's situation and goals. The ability to communicate with the client, to ask open-ended questions, to ask very probing questions, and the ability to listen effectively and actively are all very important.

In addition, our experience with high net worth clients is always more favorable when we are working with other top quality professional advisors who are present during client meetings. By collaborating, the credibility of all the advisors involved is greatly enhanced.

For example, can you imagine telling a client how fortunate they are to be able to work with you because you are a respected professional with substantial expertise? Of course not! But, if you have brought in a respected colleague who is involved in the meeting with the client, can you mention how happy you are to have the other advisor involved because she is one of the most highly respected advisors in the nation (assuming of course that is true)? And what would be the result? One of our colleagues describes this scenario as one in which you have become "presidential." You have become knowledgeable enough to know when someone else is knowledgeable. It's all about third party credibility (which is important at all levels of practice). You care enough about your client to bring the very best experts to help. By "shining the spotlight" on someone else, the reflection may illuminate you even more than if the spotlight were focused on you.

In fact, you should avoid having any substantive meetings with a high net worth client without having another advisor present during the conversation. The communication is simply too demanding, and the risk of miscommunicating too great when you are alone. For that reason, the ability to truly collaborate with other professionals, including other lawyers, financial advisors, insurance professionals, or CPAs, is of the utmost importance when working with high net worth clients.

Another tip for working with high net worth clients (or any client for that matter) is to be able to ask the "unaskable" question. Sometimes during client meetings the client, or the client's spouse, or the client's advisor will communicate something in the most subtle of ways, perhaps by rolling the eyes, shaking her head, or raising his eyebrows. It is tempting and perhaps easier to ignore the signal that something is going on and merely continue with the "interview".

However, you must be in tune with the client's non-verbal communication, and you must not be afraid to ask difficult questions or to mention the non-verbal communication that is taking place. For example, in a non-threatening tone, you might say, "Mr. Smith, while Mrs. Smith was talking about Tom's children, I sensed that you are not in 100% agreement with her comments. Please tell me about that."

Such an opening could easily result in an extended conversation on a seemingly minute point upon which the entire case might hinge. That means you must also set aside enough time to engage in lengthy but important conversations. And you must be bold in your counseling to take the client to those issues that are REALLY important to them.

**Should I concentrate on all business, or just the bigger clients?**

Initially, you will likely have more success by accepting a wide variety of categories of clients. However, if you want to work exclusively with higher net worth clients, you may want to limit the amount of work you accept with clients who do not fall into that category.

The choices are limitless. Not every type of practice is appropriate for every attorney. Some attorneys have abandoned their foundational practice to "hunt elephants" and have

devastated a formerly strong practice! Others will offer a full range of services, and have received the education and training to do so.

One type of multi-tiered practice that is becoming more popular is one that serves Medicaid clients whose estates typically range in size from 0 to \$500,000. Then a different set of practice systems exist for foundational clients, say from \$500,000 to \$3 million. Then yet other protocols are established for handling the mid-tier and high net worth clients. These types of practices tend to expand with additional attorneys focusing on the various levels, rather than one solo practitioner trying to be all things to all clients—though that may be possible as well!

### **If you work indiscriminately with all clients, how does your clientele get upgraded over the years?**

Besides the natural progression mentioned above, you can upgrade your clientele by letting it be known that you have the expertise to handle larger cases. That expertise can be acquired through study, education, and collaboration. Your reputation for being able to handle larger cases can be enhanced by teaching other professionals and by writing articles and books. Also, if you want larger cases, simply ask for them. When you tell a referral source that you are looking for clients with estates exceeding 10 million dollars, you might just get some!

### **Where do I find clients with larger estates?**

You can find higher net worth clients in various social settings, charitable functions, non-profit organizations and committees, boards of corporations, and the like. However, the best resource for higher net worth clients is to build relationships with other professionals who are already serving that clientele.

### **How do I attract clients with larger estates?**

As is so often the case, when you meet a prospective higher net worth client, you must become interested, rather than to become interesting. That is, focus your conversation on them, their accomplishments, and their needs. Often, the person will inquire about your profession. At that point you should be prepared to explain what you do in a unique way that is both interesting and memorable.

### **Isn't exclusivity a negative thing?**

Focusing your practice on a narrow area of the law, or on a narrow kind of clientele (such as high net worth clients) is simply one way of getting the word out in your community about who you are and what you do. If your practice is somehow limited, the perception just might be that you are very good—maybe even an expert—within your special niche. That would be a positive thing. Also, there is no shortage of attorneys who are willing and able to accept your referrals on cases that you don't wish to handle personally.

### **What do I do if I get a large or complex estate case before I'm ready to handle it?**

If you receive a large or complex case (large cases are not always complex, and complex cases are not always large) at a time in your career when you are not yet comfortable handling the case yourself, you will help yourself and the client significantly by letting them know that you are a member of the National Network of Estate Planning Attorneys. Tell them that your colleagues include experts in virtually every area and sub-area of estate planning law, and that since two sets of eyes are always important in cases of this nature, that you will invite a colleague in to assist you and provide a second opinion on the case. Doctors do this all the time. So why should we hesitate to collaborate?

The client may fear that this will double your already healthy fee, so you'll have to reassure them that the second attorney will be paid by you from your fee, and the client will not have to pay more. The client will understand and appreciate the lawyer's willingness to put the client's needs first and to be thorough in developing the planning strategies. The lawyer will also sleep more peacefully knowing that he or she is not in over their head!

### **What is the difference between referring out and referring in?**

In our experience, when we have referred a client to another professional, the client often senses that we are terminating our relationship, or don't want to work with them for some reason. However, when we tell a client that we want to "bring in" another professional with the expertise to handle some aspect of the client's work, we communicate the exact opposite. Our goal is to make the client feel secure in the relationship with us, and we accomplish that by expanding and enhancing relationships and assisting in establishing new relationships, as opposed to turning the client loose to go somewhere else to establish the new relationship on his own. Therefore, we always "refer in".

## **B. The Business Plan**

### **What types of business plans are common?**

Typically, a business owner is writing a business plan for one of two reasons: to get organized and perform some strategic planning; or to raise money for a new venture. For a closely held business, and especially for a professional practice, it is unlikely that you will find outside investors. Therefore, the type of plan you would likely need for your practice is the first type.

### **Why should I take the time to write a business plan?**

Writing a business plan is important because it takes a complex process (building a legal practice) and helps to simplify it into manageable steps. It also helps you to focus whatever resources you have (both financial and human) on the right things to achieve your goals. Furthermore, the business plan will help you share your mission and goals with other important people such as a partner, associate, or team member.

### **What are some keys to an effective business plan?**

An effective business plan is one that can be used proactively, rather than being written and then left on a shelf to collect dust. An effective business plan is clearly written, well organized, and easily understood. An effective business plan is shorter rather than longer. An effective business plan answers the important questions about why your practice exists, how you will build the practice, what work will be needed to accomplish the building, and what results you will measure to know if you've succeeded.

### **How does a marketing plan correlate with my general business plan?**

A marketing plan is often part of the general plan. While setting general direction and goals for your practice, at least one of the measurable results will typically be in the realm of marketing. So marketing is addressed in a big-picture sense within the general business plan. However, that is usually not enough. Marketing is a process that requires many steps, many methods, a lot of tracking, and a lot of testing. Therefore, you will typically need a separate marketing plan that fleshes out the big picture goals of your general plan. Your separate marketing plan would typically answer such questions as: what marketing and advertising techniques will you use, how and when will you use them, what result do you expect for each technique, how will you track those results, and so on.

### **Is there a recommended business entity that I should use for my practice?**

The choice of business entity is a topic that a separate business book could be written on. For purposes of this handbook, let us suggest that you should have some entity other than

a sole proprietorship—even if you are a solo practitioner. Depending upon your state laws and state bar regulations, you may be able to choose from a C corporation, an S Corporation, a Limited Liability Company, a Limited Liability Partnership, and others. If you are not well-versed in these issues, you might want to consult another attorney who specializes in that particular discipline.

### **What type of business plan is recommended?**

There is a wide variety of business planning tools available. A search of the Internet or an hour of browsing in your local bookstore or computer store will provide you with several choices. One business planning tool that we have found to be very useful is the One Page Business Plan ®.

### **What can you tell me about the One Page Business Plan ®?**

It is an online resource where you can interactively build your own business plan, limited to one page in length. This is accomplished by using key words and short phrases to answer a series of questions.

Every plan has five elements. The first is the Vision Statement, which answers the question, “What are we building?” It explores what your firm will look like in 1, 3, or 5 years. It will concisely name such things as who it is that you serve, your geographic scope, your services, your sales goals, etc.

The second element is the Mission Statement, which answers the question, “Why does this practice exist?” This statement is always created from the client’s perspective.

The third element is the Strategies section, which addresses the question, “How will we grow and manage this practice?” Here you will write broad statements that set the direction, philosophy, and values of your firm. You may set limits on what you will or will not do from a business perspective, and could include commentary on growth, target markets, client acquisition, technology, strategic alliances, and so on.

The fourth element is the Objectives section which answers the question, “What will we measure?” This section provides the quantitative and measurable results that are expected in your firm – things that could actually be graphed.

The final element of the One Page Plan outlines in short statements, the work that has to be done to meet the Objectives. Here you define and prioritize specific actions that must take place to implement everything that has been written earlier in the plan.

These specific tasks will always be related directly to achieving your Objectives, according to your Strategies, and in fulfillment of your Mission and Vision Statements. The online plan also includes a full reporting system where you can track your actual results in each area, and modify your plan as circumstances change from month to month and year to year—or even day to day! You can learn more about The One Page Business

Plan® at their web site, [www.onepageplanning.com](http://www.onepageplanning.com).

### **What is the advantage of having my plan contained in one page?**

The biggest advantage to a one-page plan is that everything can be seen at once without poring through pages of facts, figures, and prose. It is quickly read, easily digested, and can be frequently referred to. It is much less likely to sit on a shelf and become unused. Plus, if you use the reporting features, it will be revisited often to track results.

### **Who else should I include in my business planning efforts?**

You may not only have a plan for your firm in general, but can also have a plan for each department in the firm, or for each partner or associate. Some firms have every single team member develop their own plan, in keeping with the general plan that is set for the firm by the owner.

Even if you don't use the One Page Plan system, it is a good idea to involve all decision-makers in the planning process. You may also decide to include non-decision-makers who are key people in the implementation of the plan. After all, you may design a great plan, but if no one but you believes in it, you will have a very difficult time getting it implemented. The best way to achieve belief in the plan is to involve everyone affected by it in the planning process.

## **C. The Office Environment**

### **Why is office environment important?**

Every time someone enters your office, whether for the first time or on subsequent visits, you are communicating something to that person. The question is, "What do you want to communicate to someone who enters your office?"

Do I want to communicate that I am busy? That I am successful? Knowledgeable? Relaxed? Accessible? Organized? Efficient? What you communicate can be determined in some part by the manner in which the office is arranged, decorated, maintained, and even where the office is located. For example, some clients will see a beautiful painting or a crystal chandelier and think that you are a successful and discriminating person with great taste. Another client may see the same things and think that their fees are going to be unreasonable in order to pay for your extravagant overhead!

The key is to figure out what type of clients you want, and then choose and develop your office space to make those clients feel as much at home as possible, while still reflecting some of your own uniqueness.

### **Is having an office really important? What about house calls?**

On some occasions, making "house calls" is the only way we can help our clients. That would be true if the client is infirm and house-bound because of age, illness, or other condition, and is therefore unable to travel to the office. The drawbacks to conducting meetings at the client's home are many. They can be summarized by the fact that you are not in control of the environment. The telephone may ring, and the client may feel compelled to answer. Children (of any age) may be present and interrupt. Friends of the client may drop in for a visit. These interruptions will create significant distractions for both the client and you.

In addition, if you are delivering completed documents, you won't have the services of your office to word process corrections, staple, punch, copy, witness or notarize!

By contrast an office in an appropriate location that is appropriately furnished, gives you and your practice credibility, and can give the client a sense of distraction-free security that might otherwise not exist.

### **What factors should I be considering if I'm choosing new office space?**

While there are a myriad of decisions that go into selecting an office space, location and cost are probably the most important considerations.

### **How does geographic location affect my choice of office space?**

Location, location, and location are often described as the three most important factors when valuing real estate. The same might be said of the location of the law office. Location in an area convenient to your clients is a consideration, as is location in an area of businesses or offices that is perceived by others as appropriate to the lawyer's clientele.

Do not overlook investigating the availability of the basic, necessary, services. One of our colleagues who practices in a small town recently found the ideal office space and then learned that all of the telephone company's capacity in the area of the office was taken and that he would not be able to have telephone service at the preferred location for over a year.

### **How does neighborhood business location affect my choice of office space?**

The neighbors (whether CPAs, lawyers, financial professionals, or bankers, for example) can be important if you plan to develop relationships for the purpose of giving and receiving referrals. Of course, the neighborhood should also be one in which your prospective clients will be comfortable traveling. Consider such things as safety, lighting, secure and convenient parking, and the general condition of surrounding businesses and buildings. Also use some discretion in choosing your neighbors. A sophisticated estate planning practice may lose some of its luster when located between a tattoo parlor and a bail bondsman's office, or upstairs over a biker bar.

### **How does the location within the building affect my choice of office space?**

Once again, the issue is one of client comfort and practice efficiencies. Can the client find the location within the building? Perhaps you should be on the ground floor because your clients tend to be elderly and because there is no elevator to the second floor. Who are the neighbors within the building? Is the building kept up nicely? You should also avoid basement offices with no windows. The lack of sunlight tends to have a negative impact on you, your clients, and your team members!

### **Should I rent or own my office space?**

The decision to rent or to own is probably best based on more than the obvious question of how you should invest your available capital. That is, if the funds are available, should you invest in marketable securities, or in a new home, or in additional education, or in an office building that will house your law office?

Consider that, if you own the real property where the office is located, you now become a property manager and landlord. With that, new demands are made on your time and energy, and on the time and energy of your staff. If the demands of property ownership and management are acceptable, and if the investment makes economic sense, then ownership may be the preferred alternative.

### **What are the advantages and disadvantages of multiple office locations?**

Advantages of multiple office locations include the ability to make yourself and your practice geographically convenient to more people than would be the case with only one location. The disadvantages include additional time and energy devoted to management, additional rent, additional expense for equipment and furniture, additional staffing costs, travel to and from, etc.

In a small community, multiple locations might make no difference because no one in the community is very distant from any other location in the community.

In larger, metropolitan areas, or where there are separate population centers and there is reluctance for prospective clients to travel from one population center to another, an office location in each population center might make sense in order to facilitate obtaining clients from multiple population centers.

### **Is there an inexpensive way to maintain more than one location?**

Some of our colleagues make arrangements with other businesses or professionals for the leasing, as needed, of conference room facilities at a second, or third, location, thus providing the lawyer with a presence in an additional location with little expense and with little management activity demanded from the lawyer. In some areas, executive office suites are available, so that you might lease a small office or conference room, equipped with only a telephone, basic equipment, and the necessary furniture; and you

might schedule yourself to be at that office only when appointments have been arranged with clients or prospects.

Either of these scenarios would be less expensive than leasing, furnishing, and staffing your own office.

### **Once I've chosen a location, what else should I consider about my office space?**

The interior layout of the office, the equipment you will place in the office, the furnishings for yourself in your own work area, the furnishings for your staff, and especially for the conference room and waiting areas are important considerations.

### **How can I create a comfortable ambience that appeals to clients?**

In our experience, one should first consider what one would want for furnishing that would make you feel comfortable. Considering the waiting area, would you be comfortable in a waiting area that is furnished in a more "institutional" manner, with several chairs lined up along the wall and a small table with magazines? Would you be more comfortable with furnishings that include a sofa, over-stuffed chairs, and a coffee table with a sculpture?

Then consider how your clients will react to the environment you intend to create. Will your clients be uncomfortable in the setting you envision? Would you be uncomfortable with the idea that, maybe, your clients think that your fees are high merely so you can have a nice office? Are your clients of higher net worth such that your perception is that the clients might not feel comfortable in a more "institutional" setting?

If your clients aren't comfortable, there is a good chance that neither you nor your staff will be comfortable either.

And, of course, what about your budget? Ultimately, you will succeed based upon your abilities, and not based upon having a nice painting hanging in the office. So we advise not going overboard on the expense of obtaining and decorating your office until your practice and level of income are somewhat established.

### **How can I create "client delight"?**

Client delight is really what it's all about, isn't it! Creating client delight begins with the first contact with the prospective new client (whether the contact is with you, or with one of your associates or partners, or with one of your staff) and continues through the first meeting, any subsequent meetings, the delivery of the planning documents, subsequent communication regarding titling of assets, additional follow-up communications to answer additional questions or to elicit concerns, and on, and on, and on.

Client delight is usually found in the little, unexpected things. Things like the receptionist offering every guest a cup of coffee, ice cold water, or a soft drink. Things

like pictures and names of all the team members hanging on the lobby wall. Things like a phone in the waiting area specifically for the client's use. Things like current popular and news magazines to browse instead of old dusty law journals. Things like plants and tasteful decorating. Things like comfortable seating, but not so soft those older clients can't stand up! Things like an intimate and warm conference room. And things like an electronic write board that will print a picture of the design that you and the client create together!

It's the little things that count. And there are hundreds of them to choose from. Use your imagination and notice when you are delighted with someone else's business!

### **Do I need a conference room separate from my working space?**

In our experience, a separate conference room is essential for an estate planning practitioner. The typical lawyer's working space will be a room with a desk, a bookcase or two, maybe a file cabinet, and the computer and other tools appropriate to the practice. When meeting a client in that area, there is the danger of feeling cluttered and distracted by stacks of papers, open research books, other clients' files, or a hundred other things. In addition, most desks impose a 200 pound mahogany barrier between the client and the lawyer. You have "your side" and "my side" of the desk which is an impediment to the establishment of the relationship.

On the other hand, the availability of a conference room, equipped with a round table, free from clutter of any kind, with a pitcher of water and glasses available, and perhaps a Panaboard on the wall, sets a tone that most of our clients find warm and inviting, and conducive to relationship-building.

### **What office equipment will make my practice more efficient?**

You will need, as a minimum, networked multimedia computers for each attorney and team member, a photocopier of adequate quality and speed, a fax machine (with a separate, dedicated telephone line), and plenty of telephones and telephone lines. Since the Internet is a wonderful research tool, and e-mail is a fact of life, we also recommend a high speed internet connection such as DSL, cable, or a T1 line. Finally, no estate planning office should be without some type of electronic write board.

### **What is an electronic write board?**

Several companies manufacture electronic write boards, in various sizes and styles, with various features. The Panasonic version which is very popular is called a Panaboard. The electronic write board is a "white board" upon which one can write, or draw, with erasable markers. With the simple push of a button, the electronic write board will generate a photocopy of whatever is written or drawn on the board. The client can take home a picture of their plan design, and the second copy will go with the file as a guide to drafting the appropriate documents.

### **Why is the write board a favorite tool among estate planning attorneys?**

Many of our clients, regardless of their level of education, and regardless of their degree of familiarity with tax law and estate planning techniques, learn from visual images and diagrams more easily than from oral communication, or from written materials. Use of the write board during client meetings to diagram how the estate plan will flow greatly facilitates the communication of goals from the client to the lawyer, and, in turn, facilitates an understanding by the client of how the plan will work. It also serves as a uniform approach to every plan and as a checklist so that the attorney does not forget to cover any important topic.

### **How can I be sure my office is making the right impression?**

When we enter and work in the same office day after day, we often tend to become a little complacent about what our surroundings look like. For starters, you might consciously imagine that it's your first time to enter the space. Notice every nook and cranny of the office as you enter, looking for scraps of paper, dust, and scrutinizing everything in sight to discern if there is anything that could be done to improve what you see. Are the paintings on the wall straight? Is there a scrap of paper next to a waste basket instead of in it? Is a waste basket overflowing? Are there too many magazines on the table in the waiting area? Is the carpet clean? Are there any unpleasant or unidentifiable odors? Ask your team members what they think. Do they enjoy coming to work every day? Are they proud of the office? Ask for feedback and reward creative suggestions on how the office appearance and operation can be continually improved.

Next ask your spouse or a few different friends who do not come to your office regularly to do the same thing. You might even ask a trusted client, with whom you have developed an especially good relationship, to give you some feedback and advice. Again, first impressions are very important.