

Referrer Spotlight:

Michael Green

Michael is native to Utah, born and raised in Midvale and graduated from West Jordan High, where he was a Sterling Scholar. As a young man, Mike earned the rank of Eagle Scout. He now lives in Draper where he serves on the city council.

Outside of Draper City, Mike is an attorney with Cowdell and Wooley, PC. Michael handles a wide variety of cases, including eminent domain litigation, real estate development litigation, and a broad array of transactional work. Michael is also a Special Deputy District Attorney for Salt Lake County, and City Prosecutor for several municipalities around the state.

Michael graduated from the University of Utah in political science and was a Hinkley Fellow in Washington D.C. He also has a masters degree in political science from Utah State, a law degree from the Thomas Jefferson School of Law, and an LL.M. from Georgetown.

Michael is also a Captain and Judge Advocate for the Utah Army National Guard and has served for over 20 years. Michael deployed to Afghanistan in 2003. Michael is also an avid football fan, golfer, aviator, and wake surfer.



Attorney Advantage

MAR
2023

HELPING ATTORNEYS BUILD BETTER FIRMS SO THEY LIVE BETTER LIVES

Getting Paid 100%: Rule #4: Always Have Money in Trust

Last month, I talked about the importance of not chasing money if you want to get paid 100% for the work you do. That rule was important, but this month's rule is absolutely crucial.

Always, always, always have money in trust.

Now, what most attorneys do is take a retainer, blow through the retainer, allow their clients' accounts to dip below \$0 into the negative, and then fight to get their clients back to \$0.

This is a recipe for disaster for a few reasons:

1. If the best your clients ever do is get to \$0, but they're usually in the negative, how can you rationally expect to collect 100% of your billables? Hint: You can't.
2. Allowing clients to owe you money transforms the attorney-client relationship to a creditor-debtor relationship. No debtor likes their creditor, and your clients won't like you.
3. You will resent your clients — which means you won't work as hard for them — because they always owe you money, and you know from experience there's a fairly good likelihood they won't pay.

Contrast this with always having money in trust. You don't have to desperately hound your client, who always dodges your calls for money, and threaten to cut him off unless he pays that day.

Instead, you can simply be your client's attorney and do great work, knowing



you'll get paid for your great work.

Hopefully, you're now convinced that always having money in trust is the way to go, so let's discuss a couple logistical matters.

First: How do you keep money in trust at all times? Easiest way is by using an evergreen retainer. An evergreen retainer allows you to keep your client's credit card (or other payment method) information on file and automatically replenish your client's retainer.

(Note: If you don't currently use an evergreen retainer, and you would like an example to review, contact me at marco@brownfamilylaw.com. I will gladly email you a copy of our evergreen retainer.)

Second: At what amount should you set your retainer? Good question. Ideally, you want your retainer to cover the worst possible month you could bill on a case. In divorce, which is what we exclusively do at Brown Family Law, our worst month might include a complaint, a financial declaration and other initial discovery documents, a protective order, and 1000 question from an understandably freaked out client. Likely, that would run around \$10,000.

Now, \$10,000 is a bit steep for a retainer in Utah, so what we do is to back our retainer down to the



Marco and Demaree helicoptering around Maui before attending John Fisher's amazing Attorney Mastermind Experience

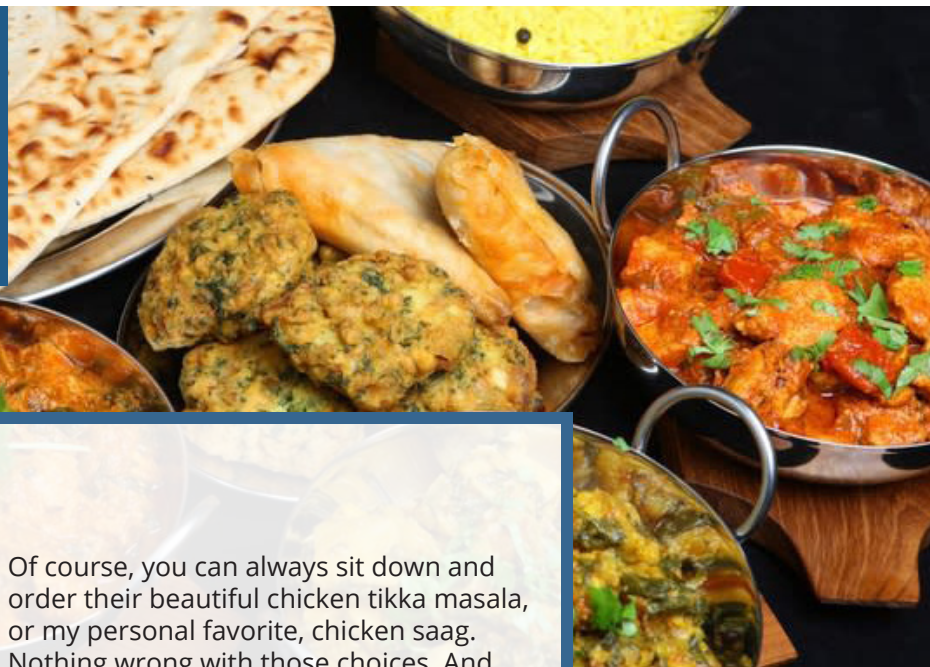
95th percentile worst month, which is considerably less expensive than \$10,000.

Of course, to do this you need to know your data so you can value your case properly. So, get to know your data and then set your retainer.

Out of all the rules discussed so far, always keeping money in trust will likely make the greatest positive impact on your collection rate.

But, there's more next month.

Restaurant Review



India Palace (Provo)

So far, I reviewed restaurants in Second and Third Districts. It's time to give 4th District its due.

Near the new, beautiful Provo courthouse, is India Palace. I don't usually go for buffets, but I really enjoy India Palace's buffet. The quality is always good, and it's a quick lunch if you have to get to a hearing.

Of course, you can always sit down and order their beautiful chicken tikka masala, or my personal favorite, chicken saag. Nothing wrong with those choices. And, if you're feeling particularly gluttonous, a mango lassi always hits the spot.

Enjoy Provo.

Team Spotlight: Daniel Young

Daniel came to Brown Family after practicing Public Defense in Idaho. Daniel has a passion for representing clients with vigor and honesty. He is kind and generous and always desires to help others obtain success, including his clients.

Prior to a legal career, Daniel obtained a bachelor's degree in economics, and a masters of business administration.

When not practicing law, Daniel spends time with his family of six young children, with a baby girl due this summer, and his wife, Brittanie. Daniel loves athletics and being active. In particular, Daniel loves to run marathons, camping, boating, and enjoys spending time traveling to do so.



Recipe of the Month: Peas with Onions and Prosciutto

Anyone who's been around me for more than 20 minutes knows how much I love Italy.

It's where I served my LDS mission; it's where I buy bespoke suits; it's where I, my wife, Demaree, and our family will buy a villa and live for a large part of the year; and it's where you can find my heart.

The thing I love most about Italy is the food. So many amazing dishes, but the vegetables are otherworldly, both in quality and in preparation.

This quick dish is one of our family favorites. It goes great as a side with pasta or meat, or as a main course with big hunks of nice crusty bread.

(Note: if you don't have prosciutto, or you don't like it, leave it out — still tastes great.)

Ingredients

- 16 oz peas
- 1 yellow onion
- 200 g prosciutto crudo, in one slice
- 50 g butter
- 2 tbsp passata
- 2 tbsp milk
- Salt and pepper to taste

Directions

1. Chop onion, place in pan over medium heat with olive oil, and sauté for 6 minutes.
2. Chop prosciutto into small cubes. Add prosciutto and peas to the pan and sauté for another 6 minutes. Salt and pepper to taste
3. Add the passata and milk and cook until liquid is evaporated.



Brown Family Law appreciates your referrals

We help our clients going through divorce maximize time with their children, and maximize their money

 801-685-9999

Book Review

The 21 Irrefutable Laws of Leadership

I started Brown Family Law in 2010 — during the Great Recession. I was new to the Utah legal market, had no clients, no network, no money (in fact, I was in debt up to my eyeballs from law school).

Starting any law firm from scratch poses difficult challenges, but one of the beautiful things about founding a law firm from scratch is you get to interact with many other attorneys who have also started law firms. There a kinship found in the experience, the struggle, the worries, the process of growth.

Having interacted with hundreds of law firm founders at this point, one of the things I have discovered is that a law firm takes on the culture of its founder.

The founder's vision and strengths tend to proliferate throughout the firm. Conversely, the founder's weaknesses tend to infect the firm.

This is why leadership is so important.

Our problem with leadership as attorneys is that, well, we're attorneys.

Just as we're taught zero about the business of law in law schools (thanks, law school), we're also taught zero about leadership.

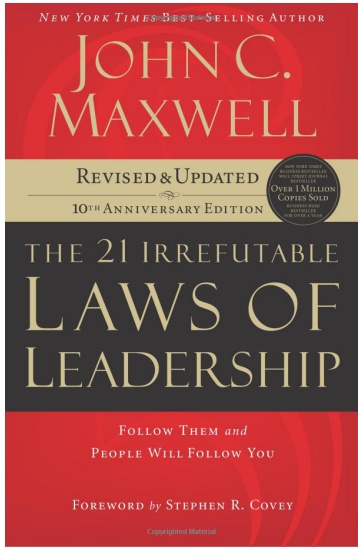
Since we're taught zero about leadership, those who want to lead their law firms well will need to seek wisdom from leaders and leadership experts.

So far, in my personal leadership study, the best book about leadership I've read is *The 21 Irrefutable Laws of Leadership*, by John Maxwell.

Maxwell is a leadership guru, having authored many books on the subject. *The 21 Irrefutable Laws* is his attempt to distill the universal, timeless, global laws of leadership into one book.

This is not a how-to manual for leadership, though. Far from it. It is a description of the laws used by great leaders to do great things. The how-to-implement is left up to you.

A few of my personal favorite laws are:



1. The Law of the Lid: In essence, your ability to attract talent is limited by your personal level of leadership effectiveness. For example, if your leadership capability is a 5, you won't attract talent above a 5 because they won't want you as their leader. You must up your game if you want your team members to up theirs.

2. The Law of Empowerment: Secure leaders give power to others. Secure leaders identify and build up talent, teaching, providing resources, and handing over authority and responsibility so their team can achieve great things.

3. The Law of Sacrifice: True leadership requires sacrifice, and there is no success without it. "The heart of leadership is putting others ahead of yourself. It's doing what is best for the team."

4. The Law of the Picture: People believe and do what they see, not what they hear. This means a team emulates the leader's behavior, not the leader's words. "When the leaders show the way with the right actions, their followers copy them and succeed."

The other 17 laws are truly beneficial to learn about as well.

Maxwell is very much a servant-leader in outlook, which resonates with me, so I really enjoy his work. Hopefully, you'll enjoy it too.

(Note: As always, if you would like a copy of *The 21 Irrefutable Laws of Leadership*, call my office at 801.685.9999 and we'll mail you a copy.)

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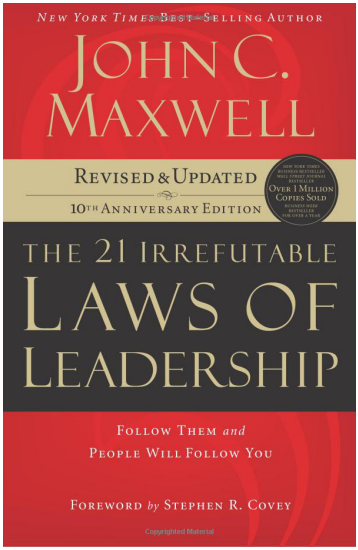
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How not to Get a Bar Complaint

Since time immemorial, we have been told that the #1 reason for bar complaints is this: lack of timely communication with clients.

Reading the only part of the Utah Bar Journal that anyone actually reads — the discipline section — I wonder if what we've been told is completely accurate. I have read about a myriad of bad behavior on the part of attorneys.

But, the one thing that almost all discipline blurbs share is, in fact, lack of communication with clients. So, while communication might not be the primary factor in a majority of bar complaints, it's certainly a main, almost indispensable, factor.

In other words, lack of communication makes every problem you might have with a client worse.

I remember when I started Brown Family Law and was the primary attorney on every case. I had 112 active family law cases at one point. Let's say I had a very difficult time remembering who my clients were, much less did I communicate with them in a timely manner.

It was awful. I lived in a constant state of emergency scan modality, all day, every day, including weekends and holidays.

Thankfully, I pulled myself up and out of that situation by hiring some really good attorneys.

Once I had a little breathing room from those 112 active family law cases, I thought about how to solve the communication problem, which is really a client care problem.

I thought that perhaps being reactive — i.e., only communicating with clients when they called or emailed, or when crap hit the proverbial fan — was not the way to go. Maybe, being proactive and systemic in our communication to clients would cut down on calls and complaints, and actually force us to be more accountable and organized.

So, after some experimentation (including making one guinea pig attorney call his clients twice a week every week), this is the communication system we landed on:

1. Every attorney calls every client every Friday.
2. Every paralegal texts every client every Wednesday.



These systemic communications are in addition to all the normal communications we have with clients during the week.

Our clients look forward to Friday phone calls. Many clients save up their questions during the week and ask them during these calls, which cuts down on random emails. These calls allow us to deal with client problems before they fester and grow. These calls also help us move cases along faster because we hold ourselves regularly accountable to our clients.

Out of all the systems I've experimented with in Brown Family Law, Friday phone calls may be the one that has made the greatest difference in client happiness.

Should you implement the same sort of system?

That depends on a few things, like your practice area. If you do personal injury or medical malpractice, calling once a week might simply be too much. If you have corporate clients, they may not want to talk to you until the case is finished.

That said, if you do consumer law, like family law or bankruptcy or criminal defense, then systemic communication is key to client satisfaction.

Now, even if you don't create a consistent communication system, please, communicate promptly with clients when problems crop up. Avoiding communication, especially if you have messed up on a case, will 10X the likelihood your client will (1) hate you, and (2) file a bar complaint against you.

Make the call, fess up, apologize, fix the problem. Then, call some more. Overcommunicate from then on. Clients want to forgive mistakes, but they'll only forgive if you communicate.

So, make that call, or, better yet, create a communication system so you never have make "that call."

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