



Starting a Solo Practice in New York 2019

Monday, May 13, 2019

9:00 a.m. – 5:00 p.m.

7.5 MCLE Credits | 4.0 Law Practice Management; 3.5 Ethics

Sponsored by the *Committee on Continuing Legal Education* and the *Law Practice Management Committee* of the *New York State Bar Association*.

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New York State Bar Association

Program Description

Starting up a solo or small firm has its own unique financial, technical and practical concerns.

This program provides an overview of what it takes to own your own practice. From choosing a business entity to choosing office space and attracting new clients - get practical and useful tips for starting a practice in New York. Program topics include: setting up bank accounts; general accounting information; tax concerns; setting up IOLA accounts; client retainer agreements and intake forms; collecting payments; leaving your old firm; handling referral business; the ethical issues of using the Internet to market your practice; social media considerations; increasing your list of contacts; and much more.

Program Agenda

8:30 a.m.	Registration
9:00 a.m. - 9:10 a.m.	Welcome and Introduction
9:10 a.m. – 10:00 a.m.	<p>Creating Your “Launch Plan”</p> <ul style="list-style-type: none">• Your Business Plan (Yes, You Need One)• What Type of Law Will You Practice?• Home Office or Rented Space?• Should You Form a Professional Corporation or LLC?• What Equipment and Technology Do You Need?• What are the Five Things Every Solo Law Practice Must Have to Be Successful?
Speakers:	Gary B. Fiebert, Esq. GBF Management LLC Clifford R. Ennico, Esq. Law Office of Clifford R. Ennico (1.0 Law Practice Management)
10:00 a.m. – 10:50 a.m.	<p>Managing Your (Cyber) Practice</p> <ul style="list-style-type: none">• Maximizing Efficiency: Hardware/Software/Cloud• Cybersecurity: Preventing and Mitigating Risk• Operational Issues: Data Management• Emergency Preparedness
Speakers:	Marc M. Natale Balestriere Fariello Jillian L. McNeil, Esq. Balestriere Fariello (1.0 Law Practice Management)
10:50 a.m. – 11:00 am..	Break
11:00 a.m. – 11:50 a.m.	<p>Get the Clients and Cases You Want How to Build a Sophisticated Litigation Practice Outside the Big Firm</p> <ul style="list-style-type: none">• Finding Clients• Exploiting Your Small Size to Get the Clients and Cases You Want• Practice and Time Management: Do It Right or Die• Coordinating With Co-Counsel to Build Your Practice• Special Pitfalls of Litigation to Avoid
Speaker:	John Balestriere, Esq. Balestriere Fariello (1.0 Law Practice Management)
11:50 p.m. –1:00 p.m.	Lunch (on your own)
1:00 p.m. – 1:50 p.m.	Risk Management Client Intake, Letters of Engagement, Retainers, and IOLA Best Practices for Lawyers
Speakers:	Marian C. Rice, Esq. L'Abbate Balkan Colavita & Contini, LLP Lana James-Moore USI Affinity (1.0 Ethics)

1:50 p.m. – 2:40 p.m.

[Understanding Your Malpractice Insurance Policy | Making Sure You Have the Right Amount and the Right Coverage](#)

- Applying Your Coverage: How to Fill Out the Application Form
- Defining Your “Practice Areas” the Right Way
- Do You Need “Prior Acts” Coverage?
- How Much Coverage Do You Need?
- What Do You Do When Someone Threatens to Sue You?

Speakers:

Marian C. Rice, Esq. | L'Abbate Balkan Colavita & Contini, LLP
Lana James-Moore | USI Affinity
(1.0 *Ethics*)

2:40 p.m. – 2:50 p.m.

[Break](#)

2:50 p.m. – 3:20 p.m.

[Time Management for the Solo Lawyer](#)

- How to prioritize your daily workload;
- How to separate the “urgent” from the “important”
- How to manage client expectations without losing business
- How to tame your e-mail Inbox and cellphone
- How to develop and use “interruption protocols”
- The most common “time vampires,” and how to deal with them

Speakers:

Clifford R. Ennico, Esq. | Law Offices of Clifford R. Ennico
(0.5 *Law Practice Management*)

3:20 p.m. – 4:10 p.m.

[Managing Your Professional Reputation Both Online and Off](#)

Speakers:

Carol Schiro Greenwald, Ph.D. | MarketingPartners
Rachel F. Bloom | Reputation Communications
Clifford R. Ennico, Esq. | Law Offices of Clifford R. Ennico
(0.5 *Ethics*, 0.5 *Law Practice Management*)

4:10 p.m. – 5:00 p.m.

[Cutting-Edge Ethical Considerations for the Solo Practitioner](#)

- A review of current ethics opinions dealing with solo practice marketing and compliance

Speakers:

Clifford R. Ennico, Esq. | Law Offices of Clifford R. Ennico
Carol Schiro Greenwald, Ph.D. | MarketingPartners
(1.0 *Ethics*)

Accessing the Online Course Materials

Below is the link to the online course materials. These program materials are up-to-date and include supplemental materials that were not included in your course book.



www.nysba.org/StartingAPractice2019Materials

All program materials are being distributed online, allowing you more flexibility in storing this information and allowing you to copy and paste relevant portions of the materials for specific use in your practice. WiFi access is available at this location however, we cannot guarantee connection speeds. This CLE Coursebook contains materials submitted prior to the program. Supplemental materials will be added to the online course materials link.

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New York Rules of Professional Conduct

These Rules of Professional Conduct were promulgated as Joint Rules of the Appellate Divisions of the Supreme Court, effective April 1, 2009, and amended on several occasions thereafter. They supersede the former part 1200 (Disciplinary Rules of the Code of Professional Responsibility).

The New York State Bar Association has issued a Preamble, Scope and Comments to accompany these Rules. They are not enacted with this Part, and where a conflict exists between a Rule and the Preamble, Scope or a Comment, the Rule controls.

This unofficial compilation of the Rules provided for informational purposes only. The official version of Part 1200 is published by the New York State Department of State. An unofficial on-line version is available at www.dos.ny.gov/info/nycrr.html (Title 22 [Judiciary]; Subtitle B Courts; Chapter IV Supreme Court; Subchapter E All Departments; Part 1200 Rules of Professional Conduct; § 1200.0 Rules of Professional Conduct).

**[http://nycourts.gov/rules/jointappellate/
NY-Rules-Prof-Conduct-1200.pdf](http://nycourts.gov/rules/jointappellate/NY-Rules-Prof-Conduct-1200.pdf)**

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Starting a Solo Practice in New York 2019

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Topic Three: Get the Clients and Cases You Want: How to Build a Sophisticated Litigation Practice Outside the Big Firm

Materials – Online Only

Topic Four: Risk Management: Client Intake, Letters of Engagement, Retainers and IOLA. Best Practices for Lawyers

Materials – Online Only

Topic Five: Understanding Your Malpractice Insurance Policy: Making Sure You Have the Right Amount and Right Coverage

Materials – Online Only

Topic Six: Time Management for the Solo Lawyer

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Topic Seven: Managing Your Professional Reputation Both Online and Off

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Topic Eight: Cutting Edge Ethical Considerations for the Solo Practitioner

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Topic One

Creating Your Launch Plan



NEW YORK STATE BAR ASSOCIATION

GETTING STARTED IN A SOLO LAW PRACTICE

Gary Fiebert
GBF Management LLC

Clifford R. Ennico, Esq.
Law Offices of Clifford R. Ennico

May 13, 2019

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TODAY'S TOPICS

- The Six Big Questions When You're Starting Out
- Organizing Your Solo Practice
 - Creating your business plan
- Financial Management of Your New Practice
 - Budgeting
 - Billing, collection and cash-flow

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STARTING OUT: THE SIX BIG QUESTIONS

- What will I practice?
 - Home office or “real” office?
 - Will you see clients in the home?
 - Corporation, LLC or Sole Proprietor?
 - How Will I Manage My Practice So I Make Money?
 - How Much Will I Charge My Clients?
 - How will I get the word out*?
- * -- will be addressed in other segments of today’s program

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3

FOUR BASIC STRATEGIES FOR YOUR “PRACTICE MIX”

- Stick with what you know and don’t venture outside “the box”
- Take on “anything and everything that walks in the door and has a pulse”
- Build a reputation for two or three highly desirable practice areas and let the market tell you what you should be
- Specialize in a certain type of client and become a “generalist” for that client

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STAYING “INSIDE THE BOX”

- **Advantages**

- Your malpractice insurer will adore you
- Easier to describe what you do at cocktail parties and social occasions
- You will keep all of your hair well into old age

- **Disadvantages**

- May prevent you from growing unless your specialty is in great demand
- You will end up making other attorneys wealthy (losing clients to them) by referring out work you are not comfortable doing
- May leave you vulnerable to sudden market changes and economic swings that render certain practice areas obsolete or undesirable
- When you’re starting out, you may not have a “box” to stay into ☺

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TAKING ON “EVERYTHING THAT MOVES”

- **Advantages**

- Guarantees that you will have at least some business
- May be the only practice alternative when you’re just starting out and have little experience with particular specialties

- **Disadvantages**

- Serious malpractice risk: no one can stay on top of all developments in 5-6 practice areas
- Your malpractice insurance may not cover everything you want to do
- By spreading yourself too thin, you may have trouble developing a reputation for expertise in a certain field

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LETTING THE MARKET DECIDE

- **Advantages**

- More likely you will get work on a regular basis
- Probably will be less competition, meaning you can charge more for your services
- You may get referrals from other lawyers who are staying in their “boxes”
- Can develop a reputation for “cutting edge” legal work before other lawyers do

- **Disadvantages**

- Can be stressful as you will be constantly in “learning mode”
- May be a good reason why local attorneys avoid certain specialties even if they are in demand
- If you are developing more than one specialty, there may not be “synergy” between them

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LETTING THE MARKET DECIDE

- **Look for practice areas:**

- That are in demand
- That are “cutting edge” or otherwise haven’t saturated the market
- That can generate a decent profit margin; and
- That you can easily market to without great expense

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SPECIALIZING IN “TARGET” CLIENTS

- **Advantages**

- Allows you to be more of a generalist
- Easier to stay on top of developments in multiple practice areas
- If client community is organized, easier to generate referral business

- **Disadvantages**

- If there are not enough “target clients” in your area, may have to relocate to engage in multijurisdictional practice
- May be vulnerable to market, technology and economic swings that disproportionately impact your clients (book publishers, anyone?)

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SPECIALIZING IN “TARGET” CLIENTS

- Identify a client that is common in your area, and provide a wide range of services for that client with one or two specific exceptions
- For example, “a Wall Street lawyer for your small or growing business” (Cliff’s approach)
 - Cliff does just about everything for small business clients except litigation and patent/trademark work
- Just don’t specialize in “clients who don’t know what they’re doing and have no money . . .”
 - They are easy to find, but you won’t make a living ☺

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OTHER “CLIENT CENTRIC” STRATEGIES

- Business type: software, Internet, and early-stage technology companies
- Specific industry: construction, publishing
- Underserved ethnic or religious groups: Hispanics, Muslims, immigrant communities
- Economic status: high net worth individuals who need sophisticated tax and estate planning
- Clients who themselves specialize in “target” clients: residential vs. commercial real estate investors

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HOME OFFICE VS. “REAL” OFFICE?

- For certain types of practice, a “real” office is unavoidable
 - Litigation
 - Trusts and estates
- If you reside out of state, you must maintain a physical office within the State of New York [Jud.L. § 470; Schoenefeld v. Schneiderman, 821 F.3d 273 (2d Cir. 2016)].
- Some other reasons you may not be able to work from home:
 - Your Local Zoning Regulations May Not Let You
 - Your Nosy Neighbors May Not Let You
 - Your Spouse or “Significant Other” May Not Let You
 - You Are Not Disciplined Enough to Work from Home

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THE BIG QUESTION

SHOULD YOU SEE CLIENTS
AND CUSTOMERS IN
YOUR HOME OFFICE?

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THE ANSWER TO THE BIG QUESTION

NO!!!!!!

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AW, GEE . . . WHY?

- Will make you more visible to your neighbors and community, thereby inviting legal hassles
- Increased risk of “slip and fall” and “dog bite” type liability
- Not all clients/customers are nice people . . . household items may go missing
- Your spouse/significant other will not want people traipsing through your home
- Do you really want your clients/customers to see how you live? Or know where you live?

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THE KEY TO HOME OFFICE SUCCESS

- In a single word, “invisibility”
- How do you achieve “invisibility”?
 - Don’t use your home address for business purposes (rent a UPS Store private mailbox and use that address instead)
 - It will also get you out of the house at least twice a day . . . ☺
 - Use this address when registering your trade name or DBA
 - Rent conference room space from local professional firms (many won’t charge you if you agree to refer business to them)
 - See clients at their offices whenever possible, or in a neutral location (diners, libraries) consistent with your brand image
 - Avoid noise (esp. at night), lots of cars in your driveway or street, or “noxious odors” that will give you away

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P.C., LLC OR “SOLE PROPRIETOR?”

- Can form a professional corporation or limited liability company (LLC) in New York State to engage in the practice of law, BUT:
- “Each shareholder, employee or agent of a professional service corporation . . . shall be personally and fully liable and accountable for any negligent or wrongful act or misconduct committed by him or any person under this direct supervision and control while rendering professional services on behalf of such corporation.” [BCL § 1505(a); cf. LLCL § 1205(b)]
- So why bother?
- May be a good idea if . . .
 - You are engaged in other (non-practice-of-law) activities and want to keep a clear separation between them;
 - You plan to bring on partners within the next year to two years; or
 - For “optical” (marketing) reasons because it makes you look bigger than you actually are.

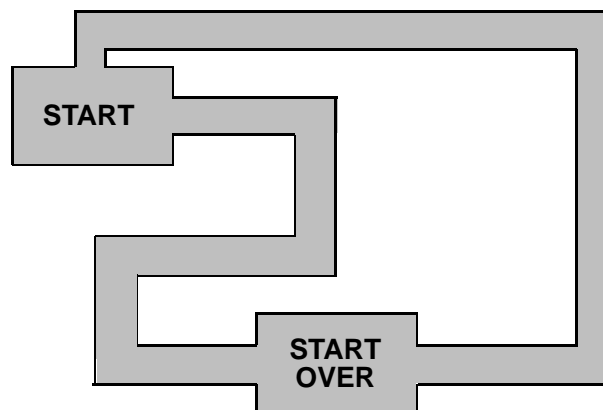
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P.C., LLC OR “SOLE PROPRIETOR?”

THE START-UP SLOG



How can you avoid this?

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NEXT, CREATE YOUR BUSINESS PLAN

- A spreadsheet is not a business plan.
 - While forecasts and metrics are useful, they should be viewed as emanating from carefully thought-out choices and action steps.
- A business plan needs to focus on steps needed to:
 - Develop business (Sales)
 - Staff and manage work-flow (Production and distribution)
 - Provide cash to run the business (Finance)
 - Manage infrastructure and support (Administration)
- The goal is to maximize the value of the enterprise for the benefit of its owners.
 - Value depends upon an ability to demonstrate a revenue stream that is:
 - Reasonably predictable
 - Based upon repeat business from diverse sources
 - Value also depends upon an ability to manage costs.
 - Overhead is necessary, but needs to be controlled.
 - The most expensive (and valuable) asset you have is your time, so use it wisely.
 - “What bad things happen to my clients if I don’t spend this money?”
- Factors of production – land, labor, capital and management

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YOUR BUSINESS PLAN – A CHECKLIST

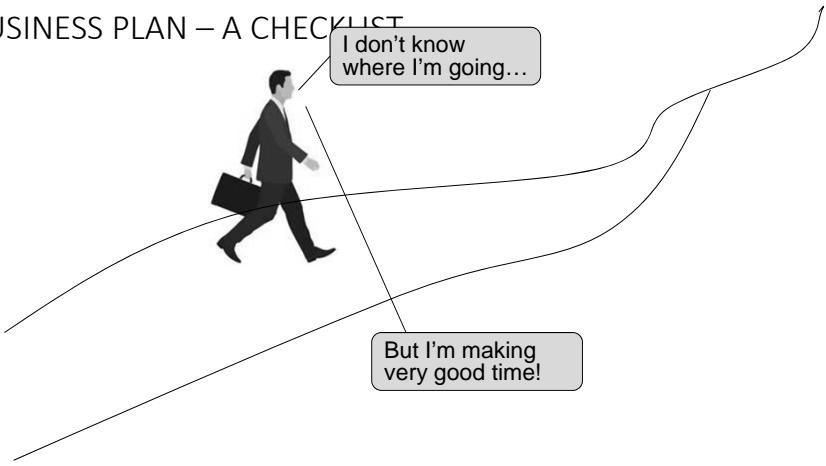
- Practice Basics
 - What types of law do you practice?
 - Who are your primary clients?
 - Who are your primary referral sources?
 - Who are your primary competitors?
 - What makes you a better choice? How are you different?
 - How do you want clients/prospects to view your practice?
 - High-value specialty provider?
 - Low-cost provider?
 - Most responsive?
- Practice Resources
 - Who are the lawyers in your firm and what type of law do they practice?
 - Who is responsible for:
 - Generating business?
 - Assigning and supervising work?
 - Client communications/relations?
 - Office management?
 - Who are your other employees and what do they do?
 - Any strategic partnerships/referral relationships?

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YOUR BUSINESS PLAN – A CHECKLIST



I don't know where I'm going...

But I'm making very good time!

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YOUR BUSINESS PLAN – A CHECKLIST

- Revenue Plan
 - How will I price my services?
 - Hourly?
 - Flat fees?
 - Contingency?
 - Percentage of assets or of “the deal”?
 - Retainer?
 - Commission?
 - What cases/matters/files do I have already in hand; what will they produce in fees and when?
 - Files from prior firm
 - Files pending from prior client relationships
 - How will I develop new cases/matters/files?
 - Call on your “A List” prospects/referral sources
 - Call your “B List” prospects/referral sources
 - What is my best estimate as to what I can produce by way of fee revenue each month for the next 24 months?
 - What is my marketing plan and budget?

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YOUR BUSINESS PLAN – A CHECKLIST

- **Production Plan**
 - Besides myself, how many other people do I need to be able to handle cases/matters in a timely fashion?
 - Other partners?
 - Associate(s)?
 - Paralegal(s)?
 - Secretaries?
 - Support staff?
 - Part-timers?
 - Contract lawyers?
 - How will I compensate them; how much should I pay?
 - 1099 or W-2?
 - Hourly wage, plus overtime?
 - Base salary?
 - Benefits?
 - Payroll taxes
 - Health insurance
 - Paid-time-off
 - IRA/401(k)
 - Other

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Your Business Plan – A Checklist

For example, professional managed office space such as “Work Better” and others provides:

- **Furnished, Secure Private Offices**
- **Fully Equipped Meeting Rooms Onsite**
Conference rooms and small meeting rooms
- **Enterprise –Class Technology**
Secure Wi-Fi, custom telecom solutions, copy machines, videoconferencing, & more
- **Flexibility**
Expand and move as needed
- **Professional Office Support Personnel**
Facilities and vendor management (cleaning, supplies, telecom, utilities, etc.)

Administrative support
phone answer service, tech support, guest reception, services, & more)
- **Networking Opportunities**
Work in a community of business professionals; find valuable connections and potential clients

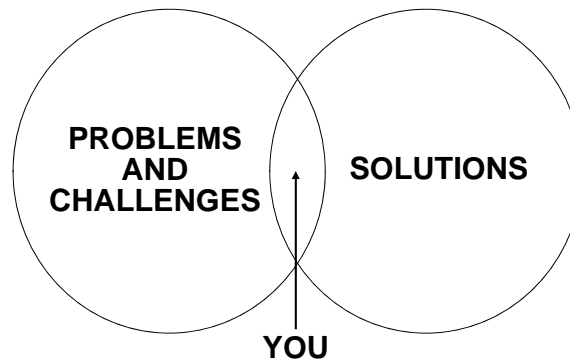
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YOUR BUSINESS PLAN – A CHECKLIST

A REMINDER



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YOUR BUSINESS PLAN – A CHECKLIST

- **Production Plan (cont'd)**
 - What accommodations/facilities do I need to have in place to support these people; how much should I pay?
 - Office space
 - Will clients be coming to my office?
 - Layout?
 - Conference/reception space?
 - Traffic flow?
 - File space?
 - Furniture, fixtures and equipment
 - Telecommunications
 - Software
 - Filing system/records retention
 - Library/research capability
 - Other
 - Who is going to manage all this? How do I budget my time?
 - Client intake
 - Work-flow and assignments
 - Supervision
 - Office management
 - Etc.

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YOUR BUSINESS PLAN – A CHECKLIST

• Finance Plan

- MOST IMPORTANT QUESTION – How am I going to pay my personal expenses while I am starting up my practice?
 - Guideline – enough income from savings or other sources to pay personal expenses for a year
- Where is the capital going to come from to finance my business start-up?
 - Personal savings?
 - Personal borrowing?
 - Firm borrowing?
- If I plan (need?) to grow to support new business, where will I get the capital to finance the growth?
 - Reduction in earnings/draw?
 - Capital contributed by new partner(s)?
 - Borrowing?

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YOUR BUSINESS PLAN – A CHECKLIST

• Administration/Management Plan

- What tasks do I need to plan for when I budget my time?
 - Serving clients
 - Quality assurance
 - Delegating and supervising; scheduling
 - Business development
 - "Business hygiene"
 - Family time
 - Personal time
- What do I need to pay attention to if my business is to be well managed?
 - Balance client development with ability to serve clients
 - Quality control
 - Work allocation and matter management
 - People/HR/internal communication
 - Morale
 - Retention of key players
 - Reviews and performance evaluation
 - Training and career development, including your own
 - Relations with key "stakeholders", starting with you and your family
 - Physical appearance of the office
 - Firm finances
 - Learning how to manage a business

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BUDGETING

- First, hire a good bookkeeper/accountant to handle:
 - Setting up time, billing and general accounting systems and procedures
 - Preparing a draft budget
 - Paying bills, remitting taxes, etc.
 - Keeping the books up-to-date and reporting actual vs. budget
 - Preparing compliance reports
 - Tax returns
 - 1099s
 - Reports to banks, etc.
 - Advising you as to how to control costs
- Budget Guidelines
 - Space costs s/b about 7% of revenue
 - Marketing expense, especially for a small firm s/b 2.0% to 3.5% of revenue
 - Web-site, brochure and external communications
 - Face-to-face client/prospect meetings
 - For most hourly-billing firms, work-to-collection cycle s/b no more than 4 months
 - Expect to realize about 92% of your standard hourly rate

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BUDGETING

- Cost-saving techniques include:
 - Consider outsourcing capacity-sensitive office services
 - Photocopy/facsimile
 - Technology
 - Lease equipment that incurs a lot of wear-and-tear
 - Network with other small firms for research/library needs
 - Use a payroll service
 - Try not to advance costs for clients, or ask for advances to cover costs
 - Filing fees
 - Travel
 - Consider using contract lawyers/paralegals to handle demand peaks
 - Whenever possible, use e-mail, rather than couriers or the USPS
 - Use a single carrier for voice and data services
- It's really all about revenue; your costs are fixed in the short-run

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BILLING AND COLLECTION

- Use engagement letters to communicate fee and billing arrangements, including fee estimates and payment terms, to clients.
- Manage the work in the office to keep it moving to conclusion or to a point where you can bill it.
- Shorten the billing and collection cycles.
 - Improve promptness and accuracy of time entries
 - Don't wait until end of month to send a bill if a matter has closed or a milestone has been reached
 - Make extra effort to ensure bills are accurate and conform to client standards BEFORE they go out
 - This is especially important for electronic bills
- Collect delinquent accounts.
 - Call clients who owe you money, or have someone else in your office call them, and ask to be paid
 - Make sure communication are peer-to-peer
 - Don't let accounts go beyond 45 days before taking some kind of action
 - For clients who are hard-pressed, work out monthly payment plans
 - At near-zero interest rates, deferring receipt of 100% of your fee is preferable to accepting a 25% discount
 - Refer problem accounts to a collection agency
- Where possible, ask for retainers or advances.

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BILLING AND COLLECTION

- Don't be afraid to suggest alternative fee arrangements.
 - Flat fees
 - Matter scope and budget
 - "Carve-out" provisions
 - 50/25/25 payment schedule
 - Performance fees
 - Modified contingency
 - Agree upon client objectives
 - Measure results
- If you are charging contingency fees, must comply with Rule 1.5 of NY's Rules of Professional Conduct (www.nysba.org/DownloadAsset.aspx?id=50671)
 - Contingency fees in medical malpractice cases must also be within the limits set by Jud.L. §§ 474-a.
- On longer projects, keep communicating with clients on progress. If the fee arrangement is open-ended, be sure to advise as to time and costs incurred.

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FINAL THOUGHTS

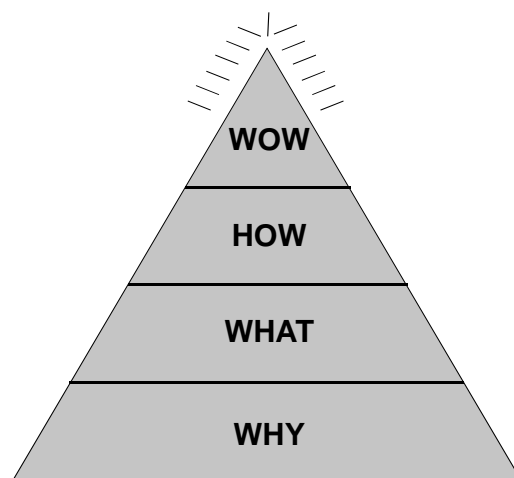
- When you create a new law firm, you are starting a new business. It pays to start managing it like a business from the get-go.
- One hopes that your goal is to create an institution that will continue to live and thrive for successive generations of partners. If not, why bother?
 - A business plan is essential.
 - Compensation plan
 - Admission, death, disability, withdrawal and retirement provisions
 - Dissolution/termination plan
 - Where possible strive for consensus; try not to take votes.
- Don't build something you can't or won't manage. You can't delegate your responsibility as an owner of the business. Too many others depend on you.
- Plan to spend around 3,000 hours a year for five years to get a firm off the ground.
- Keep your clients satisfied and well served AND have a good time doing it.

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GET IT DONE



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Q&A

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Topic Two

Managing Your (Cyber) Practice

NEW YORK STATE BAR ASSOCIATION

STARTING A SOLO PRACTICE IN NEW YORK

MANAGING YOUR (CYBER) PRACTICE

MARC NATALE
CLIFF ENNICO, ESQ.
BALESTRIERE FARIELLO
MAY 13, 2019

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225 Broadway, 29th Floor ■ New York, NY 10007 ■ www.balestrierefariello.com
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1

MANAGING YOUR (CYBER) PRACTICE

AGENDA

1. Maximizing Efficiency: Hardware/Software/Cloud
2. Cybersecurity: Preventing and Mitigating Risk
3. Operational Issues: Data Management
4. Emergency Preparedness

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2

TECHNOLOGY: MAXIMIZING EFFICIENCY

- **Email**
 - Hosting. On site or remotely?
 - Which email service/client (Outlook, Thunderbird, Gmail, ProtonMail)?
 - Backups. How easy? How often?
 - Encryption. Are your emails being sent/received securely?
 - Saving/sorting email? Accounts for individual client matters?
 - Monitoring. Spam filtering. External monitoring for blacklisting.
- **Fax**
 - Still needed?
- **Scanning/Archiving**
 - Allows for a paper-free environment.
 - OCR functionality.
 - Storage issues. Physical vs. cloud storage costs.

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TECHNOLOGY: MAXIMIZING EFFICIENCY

Miscellaneous “In-house” Issues

- **Network/Server** – solo practitioners will likely not have the time or resources to maintain a server or network without hiring a vendor or on-site IT staff. Cloud services are available for all essential functions but need to be evaluated.
- **Internet Access** – more data flow requires faster, more reliable internet connections.
- **Printers** – depends on practice area.
- **Website** – online website building services allow attorneys with little or no knowledge of programming languages set up a website but consider hiring a professional website builder if more complex features (client login, payment portal, contact forms) are desired.
- **Remote Access** – being able to access data anywhere, from any device.
- **End Users** – make sure staff are properly trained in security protocols.

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TECHNOLOGY: MAXIMIZING EFFICIENCY

- Case management program
 - Hours/expense entry
 - Document management
 - Contacts
 - Calendaring
 - Notes
 - Email
 - Accounting
 - Cloud-based?

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TECHNOLOGY: MAXIMIZING EFFICIENCY

The Cloud

- Security – most cloud providers offer superior security than what's available in-house.
- Mobility – access data from different devices/locations.
- Continuity – redundancy delivers maximum availability of data.
- Scalability – no need for on-site servers or storage equipment.
- Collaboration – makes sharing data with colleagues in different locations a lot easier.
- Less reliance on infrastructure and lower cost.

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TECHNOLOGY: MAXIMIZING EFFICIENCY

The Cloud

- Good – security, mobility, continuity, scalability, collaboration, greatly reduced hardware costs.
- Good and bad – allows devices of all types to access data if not configured or maintained properly. Need to pay more for more robust admin features.
- Bad – law firms are targets for their sensitive client information.
- Considerations when moving data to the cloud
 - Know where your data is stored. US, overseas, both?
 - Make sure the data is still yours. Check the service agreement.
 - Are robust (SSAE 16 Type II compliant) security measures put in place?
 - Transparency. Does the vendor alert the client if service issues arise?
 - Can you still obtain periodic backups of your data? Is archived or “dark” data easily available?

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TECHNOLOGY: CYBERSECURITY

Hardware & Software Issues (Outdated Operating Systems)

- Risks of staying with obsolete software (security, compliance, lack of hardware and software vendor support)
- Microsoft ended mainstream support for Windows 7 on January 13, 2015, but **extended support** won't end until January 14, 2020, meaning the company stops adding new features and ends complimentary support but it still provides bug fixes and patches. <https://support.microsoft.com/en-us/help/13853/windows-lifecycle-fact-sheet>
- Apple does not publish any end-of-life schedules. Usually, once Apple releases a new operating system version, there will be no further point release upgrades to prior operating systems. Security updates for the prior two operating system releases will be released, which includes Safari browser updates — so effectively a three version window.

Client operating systems	Latest update or service pack	End of mainstream support	End of extended support
Windows XP	Service Pack 3	April 14, 2009	April 8, 2014
Windows Vista	Service Pack 2	April 10, 2012	April 11, 2017
Windows 7*	Service Pack 1	January 13, 2015	January 14, 2020
Windows 8	Windows 8.1	January 9, 2018	January 10, 2023
Windows 10, released in July 2015**	N/A	October 13, 2020	October 14, 2025

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TECHNOLOGY: CYBERSECURITY

Hardware & Software Issues

- Software compatibility issues. Speak to vendors before upgrading to the latest operating system or other computer software.
 - Will their software work with the latest version of your operating system or other software that were previously compatible with other third party applications?
- Internet of Things
 - Electronics that have network connectivity and can send, receive, and store data – all without user interaction.
 - A rising e-Discovery issue.
 - According to Morgan Stanley, by 2020 there will be 75 billion Internet connected devices.
- Know when to update software. The Department of Homeland Security provides a service (US-Cert Alerts) which timely relays information about current security issues, vulnerabilities, and exploits, <https://www.us-cert.gov/ncas/alerts>.
- Browsers – don't allow your browser(s) to save your login credentials.

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TECHNOLOGY: CYBERSECURITY

Security and encryption

- Firms of all sizes are susceptible to a data breach:
 - Phishing
 - Malware
 - Denial of Service
 - Web Jacking
 - Wi-Fi Connections
 - Insider Threats
- Lost or stolen laptops/unencrypted external hard drives, mobile devices, long-term intrusions exposing entire networks.
- Compliance is not security.

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TECHNOLOGY: CYBERSECURITY

Phishing

- *The No. 1, No. 2 and No. 3 threat for law firms.*¹
- Infected emails are sent to individuals or large groups to get passwords or gain access to computers and networks.
- Spear phishing – cybercriminals identify individuals or a group to attack.
- Whale phishing – when an email is made to look like it comes from a managing partner or other senior associate.
- Misspellings and poor grammar were indicators of phishing but hackers are more sophisticated.

¹ Cyberthreats 101: The biggest computer crime risks lawyers face, http://www.abajournal.com/magazine/article/biggest_cybercrime_risks_lawyers

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TECHNOLOGY: CYBERSECURITY

Malware

- Malware is designed to gain access or damage a computer without the knowledge of the owner.
- Malware can take the form of spyware, keyloggers, worms, adware, images, Trojan horses, and cryptocurrency mining.
- A majority of malware is created for profit through forced advertising (adware), stealing sensitive information (spyware), spreading email spam, or to extort money (ransomware).
- Various factors make computers more vulnerable to malware attacks including outdated operating systems, giving users more elevated permissions, and poor user training and knowledge of what to avoid when using a computer.

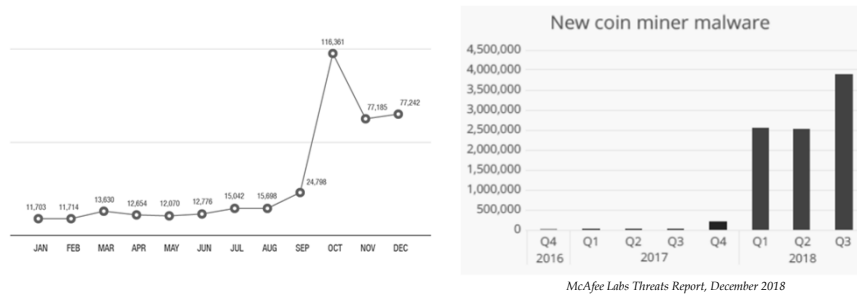
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TECHNOLOGY: CYBERSECURITY

Malware (Cryptocurrency Mining)

- Cryptocurrency mining was the most detected network event in devices connected to routers in 2017.
- Mining cryptocurrency via malware has grown more than 4,000% in 2018.



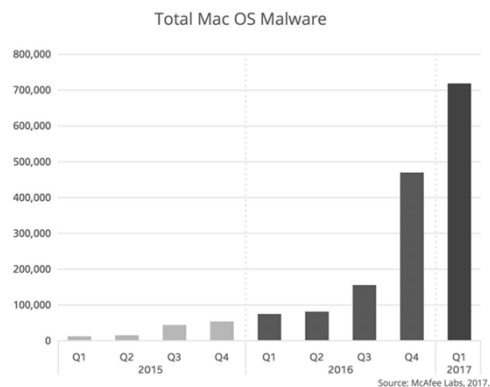
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TECHNOLOGY: CYBERSECURITY

Malware (Mac/iOS)

- Mac/iOS users are increasingly susceptible to malware attacks.
- According to McAfee, the number of malware attacks on Apple's operating system skyrocketed by 744 percent in 2016 and continues to climb in 2017.



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TECHNOLOGY: CYBERSECURITY

Ransomware

- Ransomware is a form of malware that takes advantage of open security vulnerabilities on a computer.
- It's usually the result of opening an infected email attachment (via phishing) or visiting a malicious website.
- Ransomware usually renders data inaccessible until a "ransom" is paid.
- Once a system is affected, the originator of the ransomware promises to provide a decryption key only after a payment is made.
- Ransomware attacks rose from 3.8 million in 2015 to 638 million in 2016, an increase of 167 times year over year.¹

¹ <https://blog.sonicwall.com/2017/02/sonicwall-threat-report-reveals-cybersecurity-arms-race/>

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TECHNOLOGY: CYBERSECURITY

Ransomware (prevention/response plan)

- Common sense – be wary of email attachments or unfamiliar sites.
- Backup – have a backup computer and a recent backup of data; cloud?
- Prevention/protection
 - Security programs – antivirus, antimalware
 - Update software
 - Turn off software macros
 - Remove/deactivate Adobe Flash or use a browser, like Google Chrome, that turns it off by default
- Identification – knowing when you're impacted and dealing with it quickly; contacting state and federal authorities.
- Removal tools - <https://www.nomoreransom.org/decryption-tools.html>
- Disclosure
- Cybersecurity insurance

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TECHNOLOGY: CYBERSECURITY

Data Breaches (other)

- Denial of Service – hackers flood a website with high levels of traffic, causing the internal and external networks to go down.
- Web Jacking – when a cybercriminal creates a clone of a legitimate website to trick users into giving access to their computers.
- Wi-Fi Connections – use of unsecured (hotels, cafes) or outdated Wi-Fi connections.
- Insider Threats – disgruntled employees or employees seeking to enrich themselves by selling a firm's data. Vendor/contractor threats.

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TECHNOLOGY: CYBERSECURITY

Security and encryption

Must-haves for firms:

- Internal governance
- Intrusion prevention – secure connections, firewalls. Wi-fi?
- Software updates – all software has a lifecycle
- Email security/encryption - STARTTLS, SSL/TLS
- Mobile security
- Two-factor authentication (authentication vs. authorization)
- Data retention policy
- Employee education about data security threats
- Review and updates
- Third-party vendor security policy checks
- Cyber risk insurance
- Password manager – LastPass, KeePass

Security fatigue?

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TECHNOLOGY: CYBERSECURITY

Security (Policies)

- According to the 2018 ABA TechReport, respondents reported on the existence of security policies at their firm:
 - Those that report having no policies – 29% (25% in 2017)
 - Those reporting that they don't know about security policies – 7% (no change)
 - There are no respondents in firms of 100+ reporting no security policies
 - The percentage with no policy decreases by firm size
 - 58% of responding solos (41% in 2017)
 - 25% in firms with 2-9 (no change)
 - 6% with 10-49 (5% in 2017)
 - 3% of firms with 50-99 (4% in 2017)

Source: ABA TECHREPORT 2018 (Cybersecurity), https://www.americanbar.org/groups/law_practice/publications/techreport/ABATECHREPORT2018/2018Cybersecurity/

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TECHNOLOGY: CYBERSECURITY

Security (Responsibility)

- While a dedicated, full-time Chief Information Officer is only appropriate (and affordable) only for larger law firms, every firm should have someone who is responsible for coordinating security.
- The larger the firm, the more it is necessary to have a full-time security officer or someone who is to dedicate a large part of their time to security.
- Who has primary responsibility for security in respondents' firms?
 - 84% solo practitioners do the work themselves (86% in 2017)
 - 27% of firms with 2-9 attorneys hire a part-time an external consultant/expert (29% in 2017)
 - More than one technical staff available:
 - 41% of firms with 10 to 49 attorneys (40% in 2017)
 - **47% of firms with 50-99 attorneys (65% in 2017)**
 - 56% of firms with 100-499 attorneys (58% in 2017)
 - 62% of firms with 500+ attorneys (55% in 2017)
 - A small percentage (2%) report that nobody has primary responsibility for security.

Source: ABA TECHREPORT 2018 (Cybersecurity), https://www.americanbar.org/groups/law_practice/publications/techreport/ABATECHREPORT2018/2018Cybersecurity/

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TECHNOLOGY: CYBERSECURITY

Cybersecurity insurance

- There has been a growing recognition of the need for cyber liability insurance.
- Many general liability and malpractice policies do not cover security incidents or data breaches.
- The percentage of attorneys reporting that they have cyber liability coverage is small but has been increasing
 - 34% overall (up from 27% in 2017, 17% in 2016, and 11% in 2015)
 - 27% for solos to about (up from 19% in 2017)
 - 35 - 45% for midsize firms (up from 30-35% in 2017)
 - 23% for firms of 500+ (up from 18% in 2017)
- In addition to cyber liability insurance, covering liability to third parties, there is also coverage available for first-party losses to the law firm (like lost productivity, data restoration, and technical and legal expenses). A review of the need for cyber insurance coverage should be a part of the risk assessment process for law firms of all sizes.

Source: ABA TECHREPORT 2018 (Cybersecurity), https://www.americanbar.org/groups/law_practice/publications/techreport/ABATECHREPORT2018/2018Cybersecurity/

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TECHNOLOGY: CYBERSECURITY

Hardware Vulnerabilities (Meltdown and Spectre)

- Exploit vulnerabilities in a computer's processor.
- The flaws arise from features built into chips that help them run faster and more efficiently. While patches are available, they have impacts on system performance.
- Allow programs to steal data stored in the memory of running programs. This includes passwords, photos, emails, instant messages and even documents.
- Most devices are vulnerable, including computers, mobile devices, and cloud storage.


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MANAGING YOUR (CYBER) PRACTICE

TECHNOLOGY: CYBERSECURITY

Hardware Vulnerabilities (Meltdown and Spectre)

- Am I affected? <https://www.grc.com/inspectre.htm>  **InSpectre**



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MANAGING YOUR (CYBER) PRACTICE

TECHNOLOGY: CYBERSECURITY

Mobile Devices

- Mobile devices transmit and store all kinds of data, including call logs, contacts, calendars, emails, text messages, photo and video files, browser history, and GPS information.
- Bring your own device (BYOD) is an increasingly popular option for many law firms.
- Most lawyers regularly perform legal work outside their office.
- Amount of available data gives rise to confidentiality and e-discovery issues.

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TECHNOLOGY: CYBERSECURITY

What's in the wild

- What the internet knows about you¹
 - Personal information instantly culled on the open web from aggregator websites.
- What Google knows about you²
 - Search terms, browser activity
 - Videos watched
 - Geolocation
- What Facebook knows about you³
 - Profile/social presence
 - Places/ads checked
 - Chat messages
- What Amazon knows about you⁴
 - Shopping and other browsing activity from their suite of products (Amazon.com, Alexa, Kindle, Twitch, Ring, IMDB, Wholefoods)

1. <https://www.axios.com/what-the-internet-knows-about-you-c2c282d2-27df-466f-a655-38ca40c89a76.html>

2. <https://www.axios.com/what-google-knows-about-you-3f6c9b20-4406-4bda-8344-432471ec0816.html>

3. <https://www.axios.com/facebook-personal-data-scope-user-privacy-de15c860-9153-45b6-95c8-adac8cd47c34.html>

4. <https://www.axios.com/what-amazon-knows-about-you-2df28404-4975-4bc8-82da-ac702e601c98.html>

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TECHNOLOGY: CYBERSECURITY

Virtual private network (VPN)

- A VPN provides a secure, encrypted tunnel across the Internet. The information transmitted between the two locations via a point-to-point connection cannot be read by anyone else because the system contains several elements to secure both the user's private network and the outside network through which the remote user connects through.
- Your device exchanges trusted "keys" with a remote server. Once both computers have authenticated each other, all internet communication is encrypted and secured from eavesdropping.



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TECHNOLOGY: CYBERSECURITY

Wi-Fi

- Public WiFi networks, found at hotels, airports, and cafes, are NOT safe and are a major source for a cyberattack.
- Types of attacks:
 - Man-in-the-Middle attacks
 - Wi-Fi trap networks
 - Eavesdropping
 - Session hijacking
- What can you do?
 - Know your connections
 - Strengthen your passwords and guard them
 - Lock screens
 - If it looks too good to be true...
 - Software updates
 - Backups

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TECHNOLOGY: CYBERSECURITY

Website - requirements

- A name (URL, or web address)
- Hosting services (the place where your website “lives” online)
- SSL security certificate; other security tools to prevent intrusion
- Pictures and words that provide visitors an idea of what your business offers and the character of your company
- Clear descriptions of your products and services
- Engaging logos, images and content that are consistent with your company and message
- Simple layout that makes it easy for users to navigate
- Responsive – works well on mobile devices and loads quickly
- Contact forms and click-to-call phone buttons
- Clear contact details
- Search engine optimization (SEO)

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TECHNOLOGY: CYBERSECURITY

Website – managing your own website

- Is your website secure? HTTPS authentication?
 - Google Chrome and other browsers mark all HTTP sites as “**not secure.**”
- Make sure you have backups of your site.
- Update theme, plugins, and any other third-party components.
- Delete any old data or plugins/extensions that are no longer used or maintained.
- Have strong user login credentials.
- Have security software including a firewall and file scanning.
- General Data Protection Regulation (GDPR) compliance

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TECHNOLOGY: CYBERSECURITY

Website/data hosting considerations for choosing a hosting company

- Running up-to-date versions core software: CPanel, Operating System (server), caching technology, PHP, phpMyAdmin and MySQL?
- Isolating hosting accounts from each other?
- Are server logs available and how long are they kept?
- Can I back up data and how long are backups being retained?
- HTTPS/SSL certificates

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OPERATIONAL ISSUES: DATA MANAGEMENT

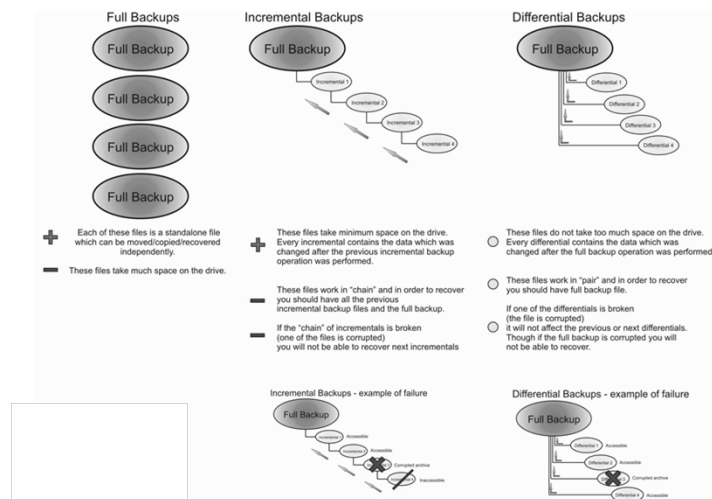
Backups

- **Full backup** - a full copy of your entire data set, which may also include software and system files. While full backups provide the best protection, most organizations only use them on a periodic basis because they use a lot of resources and are time consuming.
- **Incremental backup** - an incremental backup will result in copying only the data that has changed since the last full backup operation has been performed.
- **Differential backup** - a differential backup is similar to an incremental in that it will copy all data changed from the previous full backup. However, each time it is run afterwards, it will continue to copy all data changed since the previous full backup.

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OPERATIONAL ISSUES: DATA MANAGEMENT



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OPERATIONAL ISSUES: DATA MANAGEMENT

Security and encryption

- ABA Model Rule 1.1, duty of competence, requires attorneys to know what technology is necessary and how to use it.
- ABA Model Rule 1.4, communication, also applies to technology.
- ABA Model Rule 1.6, defines the duty of confidentiality and is not limited to confidential communications and privileged information.
- ABA Model Rule 5.3, responsibilities regarding nonlawyer assistants.
- NYSBA Committee on Professional Ethics, Opinion 1019, confidentiality; remote access to firm's electronic files.
- NYSBA Committee on Professional Ethics, Opinion 842, using outside online storage providers to store client confidential information.

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OPERATIONAL ISSUES: DATA MANAGEMENT

- Template everything
- Procedures memos for everything

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EMERGENCY PREPAREDNESS

- Be ready at any time, for any situation, and have a plan.
- Utilize online resources
 - <https://www.health.ny.gov/environmental/emergency/>
 - <http://www.nyc.gov/html/oem/>
 - <http://emergency.cdc.gov/>
 - <http://www.ready.gov/>
- Backup procedure should in place and reviewed/updated often.
- Remote Access to email and data.
- Physical security should also be a priority.

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STARTING A SOLO PRACTICE IN NEW YORK

MANAGING YOUR (CYBER) PRACTICE

MARC NATALE
CLIFF ENNICO, ESQ.
BALESTRIERE FARIELLO
MAY 13, 2019

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Topic Three

(Materials Online Only)

**Get the Clients and Cases You Want
How to Build a Sophisticated Litigation
Practice Outside the Big Firm**

Topic Four

(Materials Online Only)

**Risk Management:
Client Intake, Letters of Engagement,
Retainers and IOLA Best Practices for
Lawyers**

Topic Five

(Materials Online Only)

**Understanding Your Malpractice
Insurance Policy:
Making Sure You Have the Right
Amount and Right Coverage**

Topic Six

(Materials Online Only)

Time Management for the Solo Lawyer

Topic Seven

(Materials Online Only)

Managing Your Professional Reputation Both Online and Off

Topic Eight

(Materials Online Only)

Cutting Edge Ethical Considerations for the Solo Practitioner

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Brooklyn native John Balestriere is an entrepreneurial lawyer who tries cases, conducts investigations, and argues appeals. He works in joint venture with the firm's clients to achieve the best possible result as quickly and as efficiently as possible with an emphasis on being compensated for results and not effort.

Mr. Balestriere represents companies and individual clients in all kinds of complex and high value business disputes, and in high risk and high profile individual matters. He routinely litigates multi-jurisdictional disputes, and frequently tries cases to juries, judges, and arbitrators on behalf of both plaintiffs and defendants from around the world.

Along with Balestriere Fariello colleagues, Mr. Balestriere's focus is not before one court or one arbitral body, and he instead regularly appears as lead counsel in international and domestic arbitration, in federal courts around the United States, and in state courts throughout the country, including Manhattan's business-focused Commercial Division. He also represents clients in false claims and class action matters, directs internal investigations into alleged misconduct within companies, advises clients on reducing litigation risk in their transactions, and represents clients in dealings with the government, including in criminal and regulatory matters.

Before focusing on business disputes, Mr. Balestriere served for years in law enforcement in both the New York State Attorney General's Office and the Manhattan District Attorney's Office, where he investigated and prosecuted domestic and international organized crime, white collar crime, and street crime.

Mr. Balestriere has been quoted in numerous media outlets in the United States and abroad, trains lawyers in litigation through different bar associations (in particular on picking juries, trying cases, and conducting arbitrations), and has lectured at Columbia, Fordham, New York University, and Yale. He is a graduate of Monsignor Farrell High School, Columbia College, and the Yale Law School.



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Rachel F. Bloom is an administrator and assistant to Shannon M. Wilkinson, CEO of Reputation Communications. This position gives her direct experience implementing SEO strategies and contributing to client social media content. She has an MS in Bioethics from Columbia University and will begin her doctorate studies this fall.

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Since 1996, Cliff Ennico has worked as a "general counsel" or "Wall Street lawyer" to hundreds of small businesses, entrepreneurs, franchise owners, self-employed professionals, not-for-profit entities, and other business clients throughout the northeastern United States. He graduated magna cum laude from Dartmouth College in 1975, and got his law degree from Vanderbilt University School of Law in 1980, where he was Articles Editor of the Vanderbilt Law Review.

During the 1980s, Cliff worked for a succession of law firms in New York City, where he specialized in corporate finance, venture capital and securities law. After a brief stint during the early 1990s as in-house counsel for General Electric Capital Corp., Cliff worked as a corporate/business lawyer for two Connecticut law firms before launching my own practice in 1996.

Cliff is admitted to practice law in New York and Connecticut, and am in good standing in both states. Cliff focuses on representing entrepreneurs, small business owners and self-employed professionals.

In addition to being a lawyer, Cliff also is:

- The author of several law books for West Group, a leading U.S. legal publisher, including a best-selling collection of legal forms called Forms for Small Business Entities.
- The author of Succeeding in Your Business™, a weekly business advice column that appears in dozens of newspapers nationwide as well as www.entrepreneur.com and other business-oriented Web sites.
- The former host of MoneyHunt, the popular PBS television show about entrepreneurs;
- An instructor for eBay University, where I advise entrepreneurs nationwide on legal and tax implications of buying and selling goods on eBay, the nation's leading internet auction site.



- The author of Small Business Survival Guide, a collection of useful tricks for dealing with the 12 biggest enemies you will face when you run your own business.
- The author of The eBay Seller's Tax and Legal Answer Book, the best - and ONLY - comprehensive guide to the legal and tax rules that apply when you're selling on eBay, the world's leading auction marketplace.
- A frequent contributor to Entrepreneur and other small business magazines, websites and blogs.
- A leading authority on entrepreneurship and small business management, giving talks to business groups nationwide.

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Gary Fiebert joined Smock Law Firm Consultants as a Partner early in 2012 and brings a unique combination of skills to his management counsel to their clients. He originally spent seven years in industry applying his education in industrial and management engineering in corporate positions and then 16 years as a general management consultant, first with Touche Ross & Company (now Deloitte), then with a general management firm (focusing on profit improvement and operational effectiveness) that he co-founded, and finally as the President and Chief Operating Officer of a leading executive search firm.

For the next 20 years, he served as Executive Director/Chief Operating Officer of three major New York-based law firms (Schulte Roth & Zabel, Rosenman & Colin, and Mudge Rose Guthrie Alexander & Ferdon) – responsible (as the primary non-attorney manager and leader) for strategic business planning (firm and practice), finance, general firm management, organizational change, human resources, and marketing/ business development.

Mr. Fiebert is a regular speaker at legal management conferences and seminars, focusing on the development and implementation of innovative solutions to achieve long and short term strategic objectives and operational improvements. He has also taught law firm management at the Graduate School of Business at Stony Brook University – SUNY and has guest lectured at SUNY and the Fordham Law School on leadership and strategic management, served on the Editorial Board of the ABA's Law Practice magazine, and the ABA's Committee on Lawyer Leadership and Management.

Mr. Fiebert holds a Bachelor of Engineering in Industrial Engineering from New York University and a Masters of Science in Management Engineering from Long Island University. He was a Certified Management Consultant and is a member of the Law Practice Management Section of the American Bar Association and the Association of Legal Administrators. He is a former member of the New York City Law Firm Executive Directors' Group and the Large Firm Administrators Caucus of the ALA.

Carol Schiro Greenwald, Ph.D.

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Carol Schiro Greenwald, Ph.D. is a marketing and management strategist, trainer and marketing coach. She works with professionals and professional service firms to structure and implement growth programs that are targeted, strategic and practical. Her clients become more efficient, effective and successful at bringing in value-based, client-focused business that fuels firm profitability. Her book, *Strategic Networking for Introverts, Extroverts and Everyone In-between* (Law Practice Division, American Bar Association, January 2019) provides a training and coaching guide for linking personal business development activities with both personal and firm goals.

Before starting her own consulting firm, MarketingPartners, in 2001, Carol worked at four major accounting and consulting firms [Richard A Eisner, LLP (now Eisner Amper), KPMG Peat Marwick, BDO Seidman, and Grant Thornton] and was in-house Marketing Director at Whitman Breed Abbott & Morgan LLP [now Winston & Strawn] and Haight, Gardner, Poor & Havens [now Holland & Knight].

Carol also worked at Hamilton HMC, the health care consulting division of Kurt Salmon Associates, and was a consultant with the MarketForce division of Hildebrandt International. In her own consulting practice, she worked initially as a “rent-a-director” for many small and mid-size firms, and then moved into a consultant role providing strategic planning, coaching and training.

Carol is a Fellow of the College of Law Practice Management [COLPM]. She is a well-known speaker and frequent contributor to legal periodicals. She was, for many years, a contributor to and editor of *Strategies*, the Legal Marketing Association’s national publication. She is Past-President of the Legal Marketing Association, Metropolitan New York Chapter, and was a lecturer on the faculty of the New York University Marketing and Management Institute.

Education

- B.A., *cum laude*, Smith College, Northampton, MA
- M.A., international relations, Hunter College, City University of New York, CUNY
- Ph.D., comparative constitutional and legal systems, The Graduate Center, CUNY

- Eli Lilly Fellow, The Bunting Institute of Radcliffe College, postdoctoral research on the role of the U. S. Supreme Court and Congress regarding pregnancy disability in the context of employment.

Services

Coaching/Training

Trainer & Coach:

- Strategic networking for professionals, practice groups and firms interested in creating integrated, cumulative, productive networking strategies.
- Client service as an approach that helps professionals understand how to deal with clients' requirements and demonstrate competence and responsiveness, clients.

Leadership:

- Work with Individuals to boost their leadership capabilities, enhance their client management and business development skills and enable them to participate constructively in teams.
- Coach professional firm leaders to use Emotional Intelligence leadership in their daily activities.

Business Development/Marketing

Strategic Planning:

- Design business growth plans that reflect the goals of firms, project teams, practice groups, branch offices or individuals.

Strategic Networking:

- Create programs that incorporate strategic networking activities that further the goals established in the individual's or firm's strategic plan.

Professional and Civic Memberships

- Member, NYSBA Law Practice Management Committee
- Member, ABA Law Practice Division
- Member, Westchester County Bar Association, Law Practice Management Committee
- Vice President, Board of Directors, Lifting Up Westchester
- Director, Board of Directors, Savvy Ladies
- Executive Committee, Westchester Business Network
- Member, Program Committee, Legal Marketing Association, New York Chapter
- Committee Member, Mercy College Legal Studies Advisory Committee

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Jillian L. McNeil is a trial lawyer at Balestriere Fariello who represents clients in trials, arbitrations, appeals, and transactions.

Jillian focuses on complex commercial litigation, including business disputes before federal and state courts and arbitral bodies in matters involving contract disputes, misappropriation of trade secrets and proprietary information, tortious interference with contractual relations, unfair trade practices, and defamation.

Jillian also has represented plaintiffs and defendants in False Claims Act, Racketeering Influenced and Corrupt Organizations (“RICO”) Act, and Dodd-Frank Act litigation in courts around the Nation. Jillian also supervises the firm’s legal analyst program and in that capacity trains firm analysts in writing, research, and other topics.

Jillian, a California native, graduated from the University of California, Los Angeles with a degree in Classics and a concentration in Ancient Art. Jillian graduated from the Benjamin N. Cardozo School of Law, with a concentration in Real Estate Law.

While at Cardozo, Jillian participated in the school’s Advanced Housing Rights Litigation Clinic, representing and advocating for New York City tenants in housing court, and was a student editor of the Cardozo Public Law, Policy & Ethics Journal. Jillian also apprenticed at Balestriere Fariello while in law school.



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Lana James-Moore is a Senior Professional Liability Insurance Consultant for USI Affinity. USI Affinity has been serving the needs of New York Law Firms, attorneys and their families for more than 50 Years as the New York State Bar Association's endorsed broker and partner.

Lana has over 15 years experience in the insurance industry. She specializes in working with small firms, her area of focus is providing Insurance solutions in Lawyers Liability Insurance, Director's & Officer's Insurance and cross selling opportunities in Term Life, Disability Income and Commercial Liability.

Lana attended Brooklyn College and is a licensed Property & Casualty broker and Life & Health insurance agent in all the Northeastern states.

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Marc Natale is a Brooklyn native who has over 17 years of legal and financial experience. After receiving his bachelor's degree from John Jay College (CUNY), Mr. Natale worked for the New York County District Attorney's Office as a Trial Preparation Assistant. His primary responsibilities included aiding several Assistant District Attorneys with investigative support and evidence collection to prepare and strengthen cases for trial, ranging from misdemeanors to homicides. He also acted as direct liaison between the D.A.'s Office and New York State Supreme Court Justice, Honorable Budd Goodman. Mr. Natale eventually went on to work for Lexis Nexis as a legal content editor, focusing on real estate, securities, intellectual property, and environmental law product lines.

During his time as an editor, he went back to school to earn his Masters in Business Administration (MBA), with a concentration in finance.

At Balestriere Fariello, he continues to build on his accounting and financial analysis techniques by providing litigation support, including exploring opportunities and solving complex administrative and technical issues faced by a rapidly growing trials and investigations law firm.

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For more than 35 years, Ms. Rice has concentrated her practice on the representation of attorneys and risk management for lawyers. Ms. Rice holds the AV® Peer Review Rating from Martindale-Hubbell, its highest rating for ethics and legal ability, has been designated a Super Lawyer annually since 2008 and was assigned a “superb” AVVO rating. In 2012, Long Island Business News named Ms. Rice as one of the 50 most influential women on Long Island.

Ms. Rice is a Past President of the 5,000 member Nassau County Bar Association, the largest suburban bar association in the country, and is presently Chair of NCBA’s Judiciary Committee. In 2014, Ms. Rice was awarded the NCBA President’s Award for service to the Association and in 2015, she was honored by the St. John’s Law School Alumni Nassau Chapter. In addition to having authored a column for the American Bar Association Law Practice Management Magazine, Ms. Rice is the co-Chair of the New York State Bar Association Law Practice Management Committee and an alternate member of the NYSBA Nominating Committee.

Ms. Rice also served as an ABA Presidential appointee to the ABA Standing Committee on Lawyer’s Professional Liability from 2009 through 2012 and was Chair of the New York State Bar Association - Committee for Insurance Programs from 2008 to 2013. Ms. Rice is a member of the Professional Liability Underwriting Society; the Defense Association of New York and the Defense Research Institute.

In addition to being a New York State Bar Association Presidential appointee to the Task Force on Non-Lawyer Ownership and the Special Committee on Legal Specialization, Ms. Rice has served on the Torts, Insurance and Compensation Law Section. Her prior roles at the Nassau County Bar Association include President 2012-2013, President Elect 2011-2012, First Vice President 2010-2011, Second Vice President 2009-2010, Treasurer 2008-2009, Secretary 2007-2008, Director 2004-2007, Judiciary Committee (Chair 2006-2007) Vice-Chair (2005-2006), Strategic Planning Committee (Chair 2005-2006) (Vice-Chair 2003-2005), Nassau Lawyer/Publications



Committee (Editor in Chief 2006-2007) (Co- Managing Editor 2005-2006). She is also a member of Nassau Suffolk Trial Lawyers and the Suffolk County Bar Association. Ms. Rice has authored materials for numerous publications and newsletters including the New York Law Journal, BNA publications, the New York State Bar Journal and Nassau Lawyer, and has lectured for the Professional Liability Underwriting Society, the ABA Standing Committee on Lawyer's Professional Liability, PLI, the National Legal Malpractice and Risk Management Conference, the Nassau and Suffolk County Bar Associations, the New York State Bar Association, the New York City Bar and the American Conference Institute, as well as for various law firms, insurers, law schools and trade associations, at seminars covering such diverse topics as Risk Management and Loss Prevention for Attorneys, The Elements of and Defenses to a Legal Malpractice Action, Legal Malpractice Principles and Trial Strategy, The Anatomy of a Disciplinary Proceeding, What Damages are Recoverable and What are the Limitations?, What Makes Lawyers Happy?, Representing the Client with Greater Concerns, Ethical Issues with Email, Cyber-Security and Law Firms, Federal Statutes Affecting Attorneys, Preparing, Defending and Preventing Claims Stemming From Tax Shelter Advice, Social Media and Ethics, Whither Privity?, Defending Attorneys with Psychological Difficulties, Can the Jury Award That? Beyond Out of Pocket Damages in Professional Liability Cases, Avoiding Malpractice and Client Grievances, Protecting Your Practice, Top Ten Traps (resulting in malpractice claims and grievances), Disqualification of Legal Malpractice Experts, Identification and Resolution of Conflicts of Interest, Risk Management for Defense Attorneys, Ethics in the Wake of the New Rules of Professional Conduct; Law Practice Management under the New York Rules of Professional Conduct; Ethics in the Profession, Anatomy of a Legal Malpractice Action, Don't Make Malpractice Your Nightmare, Improving Communication Skills with Clients, Legal Malpractice Issues and Trends, Risks Presented by Law Firm Mergers, Risk Management Techniques for Real Estate Attorneys, Risk Management Techniques for Matrimonial Attorneys, Risk Management Techniques for Trust and Estate Attorneys, Starting Your Own Law Practice, Ethical Issues Confronting Claims Attorneys in Handling and Evaluating Claims and Attorney Liability under the Fair Debt Collection Practices Act.

From 1999 to 2003, Ms. Rice administered the Attorney Loss Prevention Hotline Service for the broker responsible for the NYSBA sponsored professional liability insurer.

Ms. Rice received her Juris Doctorate from St. John's University School of Law, Jamaica, New York in 1979 and a Bachelor of Arts degree from Fordham College at Fordham University in 1976. She was admitted to practice before the Courts of the State of New York in 1980 and is also admitted before the United States District Courts for the Southern and Eastern Districts of New York, and the United States Court of Appeals for the Second Circuit, as well as several other jurisdictions on a pro hac vice



basis. From 1984 to 2000, Ms. Rice was a Governor-appointed member of the Council for the State University of New York Maritime College at Fort Schuyler.

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