

16

***~~15~~ Tips to Protect and Improve
Your Law Practice***

July 28, 2026

MO Bar CLE #792377

KS Activity #237440

Connectivity/Technical Issues

Audio Issues – If you have audio issues on computer, please try accessing by phone at

(701) 801-6121

****No Access Code Required****

If problems persist, contact Paige Tungate at ptungate@DowneyLawGroup.com

Watch the slides at <https://join.freeconferencecall.com/downeycle>

Download the slides at <http://www.downeyethicscle.com/>

Questions – Please submit questions during the program through CHAT or during or after the program by emailing Paige Tungate at ptungate@DowneyLawGroup.com

CLE Information

Kansas Credit – If you are seeking Kansas credit, you will need to enter the two Attendance Verification Words and your Kansas Bar information into the Program Survey

Please complete the Survey **this week** (if possible), so we can ensure you receive proper credit

Certificate of Completion – Available also through the Program Survey

Three ways to access Program Survey:

1. Chat - link available in the **CHAT** (right now)
2. Slides - Link **in the slides** (here or at www.DowneyEthicsCLE.com)
3. Email - Link sent to you in an **email within 30 minutes** of the end of this program



<https://www.surveymonkey.com/r/15tips-0728>

New and Improved . . .



Thanks for Registering!

If you do not receive an email confirming your registration soon, please let us know at info@DowneyLawGroup.com.

Information regarding dialing in, accessing the webinar, and other information will be emailed to you before the program.

Click here to add this program to your calendar:
<https://calget.com/e/chapter80726>



You are registered for the Ethics CLE webinar

Legal Ethics and Professionalism

previewiframe

MO Bar CLE # 791557
KS Activity #237037

1.0 Credit (50 minutes) of Ethics CLE
1.0 Credit (50 minutes) of CLE

Approved in Missouri and Kansas

TODAY, June 3, 2026

12:00 Noon CT

Add To Your Calendar

<https://calget.com/e/prof0626>

Dial-in number (US): (701) 801-6121
** No Passcode Required**

Online meeting ID: DowneyCLE

Join the online meeting:
<https://join.freeconferencecall.com/downeycle>



MCLE Compliance Year Ending: 06/30/2026

Insert search criteria to generate a list of accredited CLE programs that may be selected for submission. **If you know the Program ID number, ONLY input the Program ID number and then hit the "Search" button, you do not need to fill in any other fields.**

Program ID:

Sponsor:

Program Title:

Program Type: 

Beginning Date (mm/dd/yyyy):

Ending Date (mm/dd/yyyy):

City:

State: (Ex. MO)

[Search](#)

[Reporting Main Menu](#)

No results found matching search criteria.

Annual Report Dashboard

Select MCLE Compliance Year Ending: 06/30/2026 ▾

[Review Summary](#)

[Print Report](#)

Status

Compliant

44.2 Total	15 minimum ✓
38.2 Ethics	3 minimum ✓
6.0 Elimination of Bias	1 minimum ✓

Brought forward from previous year

7.2 Total	15 maximum
1.2 Ethics	3 maximum
0.0 Elimination of Bias	1 maximum

Reporting Main Menu

1. [Report Program Attendance Credit](#)
2. [Report Speaker Credit](#)
3. [Report Author Credit](#)
4. [Report Self-Study Credit](#)
5. [Report MO General Assembly Credit](#)
6. [Report Reciprocal Compliance](#)
7. [Report Exemption](#)
8. [Request Hardship](#)
9. [Submit Program for Accreditation](#)
10. [Deficiency Plan](#)

MCLE Compliance Year Ending: 06/30/2027

Insert search criteria to generate a list of accredited CLE programs that may be selected for submission. **If you know the Program ID number, ONLY input the Program ID number and then hit the "Search" button, you do not need to fill in any other fields.**

Program ID:	792376
Sponsor:	
Program Title:	
Program Type:	All Program Types ▾
Beginning Date (mm/dd/yyyy):	
Ending Date (mm/dd/yyyy):	
City:	
State:	(Ex. MO)
Search Reporting Main Menu	

Having difficulty locating a program?

1. Search only by Program ID number if provided by sponsor (leave other fields blank).
2. If you do not know the Program ID number, first try searching by the date of the program.
3. If the date search produces too many results, then try adding a unique word in the program title or sponsor name field and search again.
4. If you are unable to locate your program, it is possible that a sponsor has not sought accreditation. You may seek individual accreditation for your program by [clicking HERE](#).

Select program to enter attendance hours. Search is limited to 100 results. Please refine search criteria to narrow results if necessary.

	Program ID	Sponsor	Program Title	Type	Begin Date	End Date	City	State	Total Hours	Ethics	Bias
Select	792376	Downey Law Group LLC	The "Chapter 8" Ethics Rules -- Rules 4-8.1 to 4-8.5	Webinar	07/09/2026	07/09/2026			1	1	0

1. Plan Your Practice

Focus Your Practice

- What type of work will I do?
- What resources do I need to perform that work?

(Do I know the risks and issues for that practice?)

Key – Focus Practice

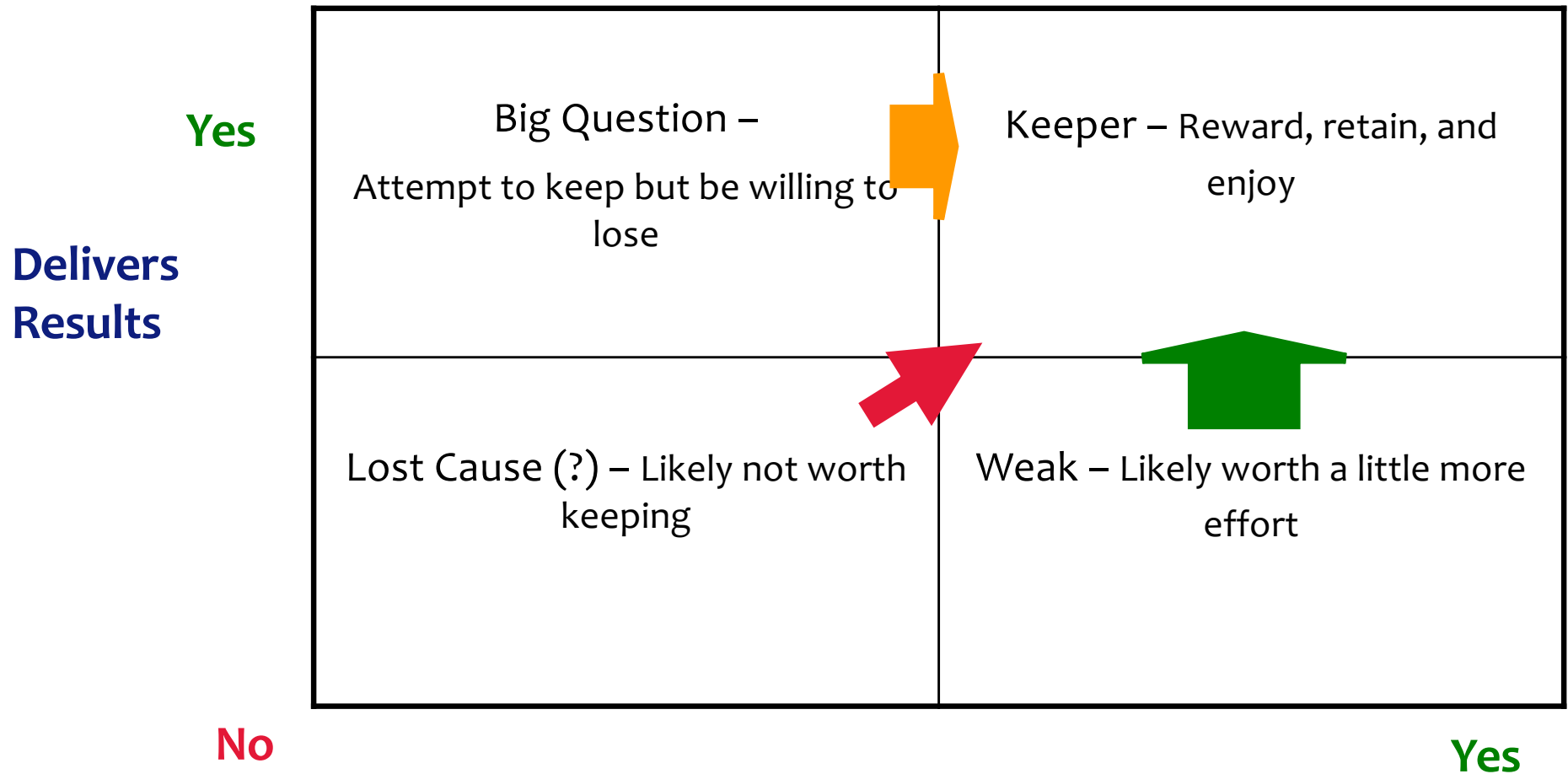
- Make sure you are doing what you want to do
- Make sure you are competent to do it -- Rule 4-1.1 (KS/IL Rule 1.1)
- Invest in resources for that practice
- Refer out work that falls (too far) outside your focus

2. Hire Good People

Surround yourself with good, happy people

- Law practice is stressful
- Stressed people do dumb things
- Minimize your stress
- And you may be responsible under MO Rules 4-5.1 to 4-5.3 (IL/KS Rules 5.1 to 5.3)

The "Right People on the Bus"



Considerations for Hiring

- How do you locate the right people?
- Consider probationary period (e.g., 6 months)
- Communicate with team throughout employment

3. Use Employment Agreements

Use Employment Agreements

Three things for all lawyer employment agreements

- 1) Sharing of fees – or that fees are not shared
- 2) Confidentiality provisions
- 3) Establish terms of departure
 - a) Notice upon departure
 - b) Return of firm property

Omit the non-compete – it likely violates Rule 4-5.6(a)
(IL/KS Rule 5.6(a))

4. Compensate Appropriately

"Fair Compensation"

- Money (alone) will not motivate the best employees
- Need fair compensation
 - External
 - Internal
- Assess what else makes employees tick
 - Cause
 - Work to live
 - Interesting/exciting work

Motivation – Daniel Pink

- Autonomy – urge to direct own life
- Mastery – desire to get better and better at something that matters
- Purpose – Yearning to do what we do in the service of something larger than ourselves

<http://www.yesware.com/blog/daniel-pink-on-sales-motivation-and-compensation/>

Consider "Rewards"

- System to encourage specific behavior
- "Spot" bonuses
 - Targeted to specific activity
 - Not contingent on hitting threshold (no "all or nothing")
 - Reasonable in size
 - Explanation of why given

Consider Benefits

- Use Professional Employer Organization (PEO)?
- Unionize employees?
- Provide own benefits?
 - Qualified Small Employer Health Reimbursement Arrangement (QSEHRA)
 - 401(k), Simple IRA, or SEP plan

5. Consider Outsourcing Tasks

Outsourcing

- Pick people whose main focus is your back-office activity
- Examples
 - Reception
 - Bookkeeping
 - Account management
 - Marketing

6. Focus Your Client Development

Client Development Funnel



Ethics and Lawyer Marketing (Summary)

- Marketing techniques not allowed
 - In-person or real-time solicitation of strangers – Rule 4-7.3
 - Paying others to refer you work (but pay-per-click and pay-per-lead are probably okay) – Rule 4-7.2
 - Sharing fees – Rules 4-1.5 and 4-5.4
 - Illegal activities
 - Improper claims as "specialist" or "expert" – Rule 4-7.5
- Most other techniques are allowed, but keep everything absolutely candid

7. Avoid Troublesome Clients

Protections from Bad Clients

- Establish "warning signs"
- Talk about matter up front – what are the expectations
- Engagement letters
- Retainers
- Beware slow payers
- Beware "shoppers"



Dealing with Dangerous Clients

- EAR Statements
 - Empathy
 - Attention
 - Respect
- Ask them to evaluate alternative courses of action
- Focus on future not past conduct
- Consider terminating the representation

Beware Scam Clients

- Goal – for lawyer to issue an electronic payment upon receiving a check
- Email short on information - resolve dispute, handle lease arrangement, etc.
- (Usually cashier's) check received
- Demand for immediate wire payment upon receipt of check

8. Communicate with Clients

Tell Clients What You Will Do

- Duty to keep client informed – MO Rule 4-1.4 (IL/KS Rule 1.4)
- Great use of engagement agreements
- If it is not in writing, will people presume it did not exist?

9. Set (and Maintain) Limits

What Will You Do?
When Will You Do It?
For Whom Will You (Not) Do It?

10. Set Groundwork for Payment

Tell Clients What It Will Cost

Rule 4-1.5 comment [2]

[2] When the lawyer has regularly represented a client, they ordinarily will have evolved an understanding concerning the basis or rate of the fee and the expenses for which the client will be responsible.

In a new client-lawyer relationship, however, an understanding as to fees and expenses must be promptly established.

Generally, it is desirable to furnish the client with at least a simple memorandum or copy of the lawyer's customary fee arrangements that states the general nature of the legal services to be provided, the basis, rate or total amount of the fee, and whether and to what extent the client will be responsible for any costs, expenses or disbursements in the course of the representation.

A written statement concerning the terms of the engagement reduces the possibility of misunderstanding.

Do What You Promise Clients

Duty to provide diligent representation – Rule 1.3

A lawyer shall act with reasonable diligence and promptness in representing a client.

COMMENT [1] A lawyer should pursue a matter on behalf of a client despite opposition, obstruction, or personal inconvenience to the lawyer and take whatever lawful and ethical measures are required to vindicate a client's cause or endeavor. A lawyer must also act with commitment and dedication to the interests of the client and with zeal in advocacy upon the client's behalf. . . .

Make Sure You Will Get Paid

- "Retainers" (in Missouri, a bad word)
 - How much?
 - Where do you deposit them?
- Communication with client
- Early payment to "prime pump"

11. Automate and Reconcile Your Trust Account

Trust Account Automation

- Use a lawyer-specific program to manage your trust account
 - The bar has a free version of SmokeBall for this purpose
- Remember GIGO (Garbage In, Garbage Out)

Reconciliations Required – Rule 4-1.15(a)(7)

A reconciliation of the account shall be performed reasonably promptly each time an official statement from the financial institution is provided or available.

12. Withdraw Early When Problems Arise

Mandatory Withdrawal – Missouri Rule 4-1.16(a)

Except as stated in Rule 4-1.16(c), a lawyer shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client if:

- (1) the representation will result in violation of the rules of professional conduct or other law;
- (2) the lawyer's physical or mental condition materially impairs the lawyer's ability to represent the client; or
- (3) the lawyer is discharged.

Permissive Withdrawal – Rule 4-1.16(b)

Except as stated in Rule 4-1.16(c), a lawyer may withdraw from representing a client if:

- (1) withdrawal can be accomplished without material adverse effect on the interests of the client;
- (2) the client persists in a course of action involving the lawyer's services that the lawyer reasonably believes is criminal or fraudulent;
- (3) the client has used the lawyer's services to perpetrate a crime or fraud;
- (4) the client insists upon taking action that the lawyer considers repugnant or with which the lawyer has a fundamental disagreement;
- (5) the client fails substantially to fulfill an obligation to the lawyer regarding the lawyer's services and has been given reasonable warning that the lawyer will withdraw unless the obligation is fulfilled;
- (6) the representation will result in an unreasonable financial burden on the lawyer or has been rendered unreasonably difficult by the client; or
- (7) other good cause for withdrawal exists.

13. Adopt Some (Healthy) Stress-Relief Tool

Complaints About Judges

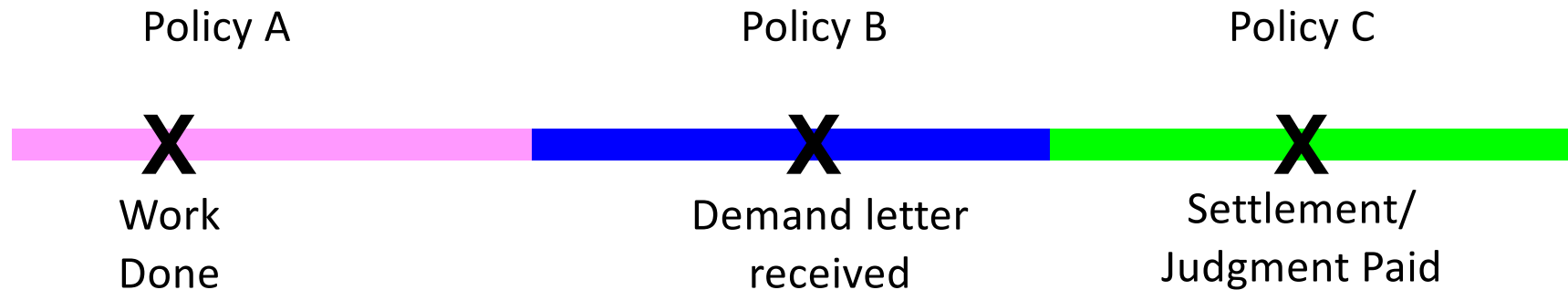
- Five rules require candor – Rules 4-3.3, 4-4.1, 4-7.1, 4-8.2, and 4-8.4
- MO Rule 4-8.2 (a) A lawyer shall not make a statement that the lawyer knows to be false or with reckless disregard as to its truth or falsity concerning the qualifications or integrity of a judge, adjudicatory officer or public legal officer, or of a candidate for election or appointment to judicial or legal office.

14. Report Potential Claims

Have Insurance – and Report Claims

- Malpractice insurance can be purchased for about \$100 per month
- "Claims made" policies – when claim is made, not when malpractice occurs
 - "Claim" is very broad
 - Demand letter
 - Lawsuit
 - "Pre-claim" coverage varies greatly by policy
 - Many policies \$0
 - Some policies \$25000 or more

"Claims"-Made Policies



- If you leave your firm (coverage source), you may lose coverage for subsequent claims
- A "tail" policy may be available

How Much Coverage?

- "Self-insured retention" (deductible)
- "Burning policy" – coverage limit is for defense and resolution
- *May have coverage for responding to disciplinary complaints*

15. Avoid Fights With Clients

Beware Suing Clients

- May not be covered by insurance
- May result in other problems
 - Counterclaim for malpractice
 - Harm reputation – adverse publicity/internet posts
 - Distraction from practice

16. Don't Make a Client's Problem Your Problem

Would You Surrender Your License for This Client?

Would You Give Up Your Reputation
for This Client?

Conclusory Matters

Questions – If you have questions after the program, please email them to Paige Tungate at ptungate@DowneyLawGroup.com

Post-Program Survey – A survey will be emailed to you about 30 minutes after this program. Also, here is the survey link:

<https://www.surveymonkey.com/r/15tips-0728>

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<https://www.surveymonkey.com/r/15tips-0728>

Future Programs

August 13 – Thursday at 12:00 Noon CT – **Addressing Bias in the Legal Profession - Cultural Competency**

August 25 – Tuesday at 3:00 PM CT – **Ethics Lessons from Lawyers Faceplants**

September 2 – Wednesday at 12:00 Noon CT – **Missouri Judicial Ethics - The Election and Selection of Judges and the Missouri Court Plan** (*Missouri approved only*)

September 10 – Thursday at 12:00 Noon CT – **Lawyer Marketing Ethics for an AI World**

September 23 – Wednesday at 12:00 Noon CT – **Legal Ethics for Trust and Estate Lawyers**

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Contribute at

<https://bit.ly/3R9ZSBw>



Timed Agenda

12:00-5 Introduction

12:05-55 Discuss 15 tips for lawyers to protect and improve their law practice, and ethical rules relating to the same

Thank you



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(844) 961-6644 toll free
info@DowneyLawGroup.com

Contribute at

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