

# **Law Office Management Assistance Program**

Delaware State Bar Association

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## **Starting a Law Practice in Delaware**

This is a brief outline of the many steps required to start a law practice in Delaware plus a lists of available resources.

Take advantage of the information on the many websites listed below and the professionals available to answer questions.

Join the Small Firms and Solo Practitioners Section of the Delaware State Bar Association. Talk to the lawyers in the section.

And remember that everything you do as a lawyer is governed by the Rules of Professional Conduct. Read them all: <http://courts.delaware.gov/> - under the Rules tab.

### **ARE YOU READY?**

- Emotionally?
- Financially?
- Have some business contacts?
- Willing to take a risk?
- A people person?
- A manager?

**Let's go!**

## Opening a Business in Delaware

<http://firststeps.delaware.gov/>

**Delaware's First Steps** website is loaded with important information for starting a business in Delaware. Check out the website and click on all the links provided. Then think about the information provided and make decisions on what's best for you. A brief outline of the steps is below.

**Rules of Professional Conduct** pertaining to starting a law practice

*Of special note:* **Rule 1.15** Safekeeping Property, **Rule 1.15A** Trust Account Overdraft Notification, **Rule 1.8 (h)** Conflict of Interest:Current Clients: Specific Rules, **Rule 5.4** Professional Independence of a Lawyer, **Rule 1.10** Imputation of Conflicts of Interest: General Rule.

A. **Business Plan**

What is your goal and how will you get there?

B. **Business Name and Structure**

Business name available?

Sole Proprietor?

Legal Entity such as Corporation, LLC, Partnership?

C. **Register Your Business**

Employer ID # (aka Federal Tax ID number) needed? Contact IRS.

Obtain General Business License from DE Division of Revenue.

If you'll have employees, file report for Unemployment Insurance Liability.

Check if you need Workers Comp Insurance.

Contact County, City of Town for any additional local requirements about business requirements.

D. **Other Business Considerations**

Payroll for employees

Withholding taxes for employees

Business insurance

Healthcare for employees

Federal and State labor laws

Link to obtain an EIN

<https://www.irs.gov/businesses/small-businesses-self-employed/apply-for-an-employer-identification-number-ein-online>

## Setting Up Your Practice

### Accounting System

#### Rules of Professional Conduct

*Of special note: Rule 1.15 Safekeeping Property, Rule 1.15A Trust Account Overdraft Notification.*

Certification is required annually to confirm that your books are in compliance with the above rules. See the **Lawyers' Fund for Client Protection's** (LFCP) website at <http://courts.delaware.gov/> for a list of approved financial institutions with whom you may deposit money and a list of approved pre-certification providers approved by the LFCP. If you will be holding IOLTA funds, visit the **Delaware Bar Foundation's** website at <http://www.delawarebarfoundation.org/> for a list of financial institutions eligible for holding such funds.

What type of software? QuickBooks, most common

Set-up accounting procedures

Bank and trust accounts (Very specific rules for this)

Operating account

Trust account

IOLTA accounts

Payroll

Taxes (Local, State, Federal)

Billing

Link to approved banks for DE Rule of Prof Conduct 1.15A

[https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwj-rYTf0fiAAxVPjYkEHYA8B6gQFnoECBMQAw&url=https%3A%2F%2Fcourts.delaware.gov%2Fforms%2Fdownload.aspx%3Fid%3D27378&usg=AOvVaw3DS\\_aNAGHCVL4HuAgob6Lf&opi=89978449](https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwj-rYTf0fiAAxVPjYkEHYA8B6gQFnoECBMQAw&url=https%3A%2F%2Fcourts.delaware.gov%2Fforms%2Fdownload.aspx%3Fid%3D27378&usg=AOvVaw3DS_aNAGHCVL4HuAgob6Lf&opi=89978449)

## **Other Important Considerations When Opening a Law Practice**

### **Insurance**

- Malpractice
- Property and liability business owner insurance
- Employee benefit insurance such as health, life, dental
- Workers Compensation
- Disability
- Business Interruption

### **Office Space**

- Rent or buy
- Executive Suite
- Sublease
- Co-working space
- Home/Virtual Office

### **Furniture/Office Equipment/Supplies**

### **Marketing**

- Website
- Social Media
- Online ad
- Print
- Networking

### **Staffing**

### **Law Office Management Software**

- Case management
- Legal research
- Docket control
- Conflict of Interest
- Trust accounting
- Time tracking

### **Preparedness Plan for Unforeseen Events**

## SUPREME COURT

### **Arms of the Delaware Supreme Court**

<http://courts.delaware.gov/supreme/>

- **Board of Bar Examiners**  
[ARMS\\_BBE@delaware.gov](mailto:ARMS_BBE@delaware.gov)  
Executive Director, Patricia Bartley Schwartz  
(302) 651-3940 • [Patricia.Schwartz@delaware.gov](mailto:Patricia.Schwartz@delaware.gov)
  
- **Office of Disciplinary Counsel**  
[ARMS\\_ODC\\_Complainants@delaware.gov](mailto:ARMS_ODC_Complainants@delaware.gov)  
David A. White, Chief Disciplinary Counsel  
302 651-3931 • [David.White@delaware.gov](mailto:David.White@delaware.gov)
  
- **Lawyers' Fund for Client Protection**  
[ARMS\\_LFCP@delaware.gov](mailto:ARMS_LFCP@delaware.gov)  
Compliance Audits, Rule 1.15, Trust accounts  
Executive Director, Patricia Bartley Schwartz  
302 651-3942 • [Patricia.Schwartz@delaware.gov](mailto:Patricia.Schwartz@delaware.gov)
  
- **Commission on Continuing Legal Education**  
[Arms\\_CLE@delaware.gov](mailto:Arms_CLE@delaware.gov)  
Executive Director, Stacy Hertzfeld  
302 651-3941 • [Stacy.Hertzfeld@delaware.gov](mailto:Stacy.Hertzfeld@delaware.gov)

Plus:

- **Delaware Bar Foundation**  
<http://www.delawarebarfoundation.org>  
Manages the Delaware Interest on Lawyer Trust Accounts Program (IOLTA)  
Megan S. Greenberg, Executive Director  
302-658-0773 • [info@delawarebarfoundation.org](mailto:info@delawarebarfoundation.org)

## **Available Assistance**

### **Delaware State Bar Association**

Among many offerings, the DSBA cultivates relationships among the lawyers of Delaware through consistently communicating news among members, sponsoring social events, presenting live CLE seminars. Members of the Association can enjoy the monthly Bar Journal, luncheons, receptions and the annual Bench and Bar Conference.

### **Sections of the Delaware State Bar Association**

<https://www.dsba.org>

Contact LaTonya Tucker at [ltucker@dsba.org](mailto:ltucker@dsba.org) for information on joining a section, especially the Small Firms and Solo Practitioners Section!

Visit <https://www.dsba.org> for information about DSBA activities, benefits, and membership.

### **Delaware Lawyers Assistance Program (DE-LAP)**

For starting a law practice, running a law practice, living your life, and coping with all three, contact Carol Waldhauser at the Delaware Lawyers Assistance Program. The program encourages health, wellness, and professional growth. For your wellbeing and the integrity of the legal profession, contact DE-LAP. Figure out your tolerance for risk and your confidence level about your legal, people, and business skills. Go into any venture knowing yourself.

Carol Waldhauser, Executive Director (Interim)  
The Delaware Lawyers Assistance Program (DE-LAP)  
405 N. King Street, Suite 100B, Wilmington, DE 19801  
<http://www.de-lap.org>  
(302) 777-0124 • [cwaldhauser@de-lap.org](mailto:cwaldhauser@de-lap.org)

### **Committee on Professional Guidance: Lawyers Helping Lawyers (DSBA)**

This committee provides peer counseling and support to lawyers overburdened by personal or practice-related problems. The members of this committee, individually or as a team, will help with the time and energy needed to keep a law practice operating smoothly and to protect clients. Visit Professional Guidance at <https://www.dsba.org> Click standing committees for a list of members able to assist you.

## **Committee on Professional Ethics (DSBA)**

Ethics question? This Committee handles inquiries only from members of the Delaware Bar concerning the member's prospective conduct. Contact the Committee by sending an email to [delethicsinquiries@dsba.org](mailto:delethicsinquiries@dsba.org). For more information about the Committee's responsibilities, visit <https://www.dsba.org> under the sections/committees tab.

## **Fee Dispute Committee (DSBA)**

This Committee resolves controversies between a lawyer and the client, and between lawyers who succeed each other in the representation of a client. Visit Fee Dispute at [www.dsba.org](http://www.dsba.org).

## **Law Office Management Assistance Program (LOMAP)**

The program was created to assist Delaware lawyers, especially the small firms and solo practitioners, with the management of their law firms. Contact Deirdre Sadler-Crew at [dsadlercrew@dsba.org](mailto:dsadlercrew@dsba.org).

## **References**

### **Lists of Software Programs for Small Firms**

<http://www.americanbar.org>

<http://www.softwareadvice.com/legal/>

<https://lawyerist.com/law-practice-management-software/>

### **Marketing**

<http://blogs.findlaw.com/strategist/2013/01/fake-it-til-you-make-it-networking-for-introverts.html>

[http://www.americanbar.org/publications/law\\_practice\\_magazine](http://www.americanbar.org/publications/law_practice_magazine)

### **General Guidelines on Starting a Law Practice**

From Michigan:

<http://www.icle.org/modules/howtokits/how-to-kit.aspx?kit=2001tk3803&lib=>

From Missouri:

[www.mobar.org](http://www.mobar.org)

From Washington:

<http://www.wsba.org/Resources-and-Services/LOMAP/Firm-Launch-Guide/How-to-Open-a-Law-Office>

From the American Bar Association – Solo, Small Firm & General Practice Resource Center:

[www.americanbar.org](http://www.americanbar.org)

## **General Information for the Small Firm Practitioner**

Websites and blog resources

<http://www.lawpracticetipsblog.com/>

<https://www.attorneyatwork.com>

[http://www.americanbar.org/portals/solo\\_home/solo\\_home.html](http://www.americanbar.org/portals/solo_home/solo_home.html)

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