

“3 **Low-Cost** Ways to ELIMINATE Client Billing Hassles – While EXPLODING Your Law Firm Profits...”

Written and produced by LawyerBillingTips.com and [RJon Robins](#)

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Introduction

When compared to almost any other type of business, law firms rank pretty high-up on the list in terms of having the potential to be the *most profitable* small businesses on the Planet...

Talk to businesses owners in almost any other industry, about the relatively large profit margins available, the small amount of operating capital required and your **easy ability to eliminate accounts receivable**, and you are liable to make them *very* jealous of the inherent benefits of owning a law firm.

And when compared to just about every other kind of business a law firm is not only amongst the most profitable, but also law firms are relatively straight-forward businesses to manage. There are essentially only four categories that can be “managed” in a law firm:

Finances; Physical Plant; People and The Practice.

In its simplest terms, **Practice Management** is getting the work in (Rainmaking), and getting the work out (creation & delivery of services or work product). This is the part of a law firm that is most visible to clients and the community. The quality of these business and workflow processes has the single biggest impact on not only profitability, but also client relations, client satisfaction and the level of attorney stress attributable to the practice;

People include everyone on staff as well as vendors and the clients themselves. Thoughtful management of the firm’s relationships with each category of the people upon whom it must rely has both legal and financial implications as well as a big impact on the quality of life the Owner of the law firm can expect to enjoy;

The firm’s **Physical Plant** refers to it’s facilities and all equipment used in the Practice by any of the People who work for or interact with the law firm. In today’s “wireless” business world, most Law Office Management Experts generally include the law firm’s website, electronic files and software in this category; and

The **Finances** of a law firm refer to its billing and collection systems, budgets, payroll management and operating & trust account or accounts.

This e-book will focus on three aspects of law firm finances that offer *inexpensive* ways to eliminate client-billing hassles and thereby can be expected to **result in dramatic improvements in the *profitability* of the law firm.**

Your law firm.

Keep reading...

Chapter 1

Giving Answers Instead Of Estimates Is A FREE Way To Eliminate a TON of Billing Hassles...

Note: So many of my coaching clients have written to me in the past for help with this common question that I just decided to convert my response into a chapter of this book for everyone's benefit.

The questions all resolve around what went wrong, and how to best quote or estimate the price of legal services to prospective clients so as to avoid future collection problems.

The conversation goes something like this:

Prospective client: "How much do you think this will cost?"

Lawyer: "It's hard to tell. We'll work hard to be as efficient as we can."

P.C.: "That's great, but how much do you think we're looking at?"

Lawyer: "My rate is \$250 an hour, but for you, I'll cut that to \$200."

P.C.: "I appreciate that, but how much do you think we should be budgeting?"

Lawyer (*knowing that if every single thing goes right, and nothing goes wrong, the case can probably be handled for \$15,000*): "Well, you should figure between ten and fifteen thousand dollars."

I generally prefer to focus on what went right, instead of the negatives. But in this case, it's instructive to focus on what went wrong in the all-too-common example above

Many Lawyers Are Uncomfortable Charging For Their Services

In the first part of the exchange we see an example of a lawyer who may be uncomfortable charging for his or her services, perhaps out of a misguided (and common) misconception that lawyers should be "above" such pettiness as money. If that's you, **click here** for a fuller discussion on the history of lawyers charging for their services and where this idea came from that lawyering is a gentleman's profession and not one to be charged for. It's also possible however that the lawyer is oblivious to the budgetary process of the client who simply needs a number to put into the budget for the upcoming period(s) and/or to conduct a cost/benefit analysis. Not to suggest that any client looks forward to paying for legal services, but I hope you'll take comfort knowing I've found that most clients, especially business **clients are more comfortable talking about the price of the services they buy, than are the lawyers.**

Don't Negotiate Against Yourself

In the second part of the exchange we see how 20% of many lawyers' revenue disappears when they **fail to listen to the question** and negotiate against themselves. Note that the client *didn't* ask for a lower rate, only what the price would be. Too many lawyers substitute their own assumptions and hear what they are afraid a prospective client might ask, instead of what is actually being said. Be aware that, especially when it comes to "bet the ranch" type cases, **most clients are not nearly as price-sensitive** as many lawyers fear. And for those who are, there are many safe and predictable ways to give them better value, while earning a premium fee for yourself over & above what you'd otherwise earn strictly by-the-hour.

"It Will Probably Cost Between. . ." Sows The Seeds Of Discontent

In the third part of the exchange the lawyer sets him or herself up for **ultimate failure**. No matter what price range a lawyer gives. No matter how many different disclaimers accompany the estimated price range. **Every single time, with no exception in the history of the world, the client will always leave the meeting with hopes that they'll end-up only having to pay "around ten thousand", while the lawyer will leave with hopes that they can "bring it in under twenty."**

And if by some miracle everything does go right and the final bill ends up being \$15,000, the lawyer will expect a hero's welcome for saving the client \$5,000; the client will *inevitably* feel they paid **50% more than expected**.

Simple Solution: If you can't figure-out how much a case is likely to cost on-the-spot, ask for time to analyze the facts and get back to the client the next day with a real number that builds-in a margin of error. It's also a good idea to estimate the price in terms of controllable steps, and then keep the client *informed* as to which step you're on and how close to budget, the case is.

Chapter 2

How Successful Rainmakers Structure Flat Fees To Make Clients Happy & Boost Law Firm Profits

Note: Instead of writing a traditional chapter on these X intertwined subjects which all have a big impact on a law firm's financial performance, the Editors have asked me to share a **3-way e-mail** discussion between Linda B., a litigator who also does some trust & estate planning work; James G. who is her well-meaning friend/part-time office manager; and myself acting in the capacity of Linda B's Rainmaking Coach. Thank you Linda B. for your gracious permission to reprint the following exchange. . .

As you'll see, Linda carbon-copied James who replied to her before I did, so my comments at the end were an attempt to respond to both of them. The e-mails are reprinted below in chronological order from top to bottom but are otherwise unedited except for redaction of names and for emphasis:

To: rjon@howtomakeitrain.com
CC: jamesg*****@hotmail.com
From: LindaB*****@aol.com
Date: June 12, 2006 19:50:10 EDT
Subject: Help with fees, Please!!!!

Help with thinking "outside the box please!!!!

1. I am not able to "flat fee" all cases, especially litigation. So we are trying to come up with other retainer language which works.
2. The issue is... if I get a retainer, the money must go in the trust account, where it is not accessible, without billing. Thus always playing "catch up". Or loose money if I don't get around to sending a bill every month or forget to record any of my time when things get really busy.
3. I tried to alleviate some of that, with the language "non refundable retainer" in my retainer agreements & Clients balked.
4. What about if I use the word **non refundable "deposit"** ????

Is there better wording, which in essence **hides the fact**, we are trying to protect against getting stiffed at the final bill (especially if the outcome of the litigation is negative) –or- if the client disappears and we are into the case with lots of hours – or- we are into the case with lots of hours, and the clients fire us.

5. We are needing "working capital" to do these larger litigation cases, so we are trying to get some "usable money" up front.

Help...and thanks Linda B.

From: "James G*****" <jamesg*****@hotmail.com>

To: LindaB***** @aol.com

CC: rjon@howtomakeittrain.com

Subject: RE: Help with fees, Please!!!!

Date: Wed, 12 May 2006 23:29:00 -0400

Hi,

As I received a copy of your email and have no idea who "rjon@howtomakeitrain" is, I will reply as best I know how:

#1 Flat fees work the same as normal fee structures in terms of collection.

#2 A Lawyer asks for a retainer or down payment on the flat fee. If he is a clever lawyer he asks for just enough to get the client into a critical position just at the time he is about to run out of retainer. This system is worked until the case is over. The lawyer stops working on a case the minute the down payment/retainer runs out. There is no catch up. Service stops on the last dime.

#3 Non refundable "anything" is unethical as the money is not yours until the hours are billed, as well as not a respectable way to raise capital.

#4 If you follows the rules your life will work. "1) getting stiffed at the final bill (especially if the outcome of the litigation is negative) 2)clients die and we are into the case with lots of hours 3) we are into the case with lots of hours, and the clients fire us. **They are non issues if you follow the rules.**

#5 Working Capital can not be stolen from a client in the guise of a non refundable anything. It is unethical and probably against the bar rules. Be very careful and get an "opinion in writing" from someone at the Practice Management area of the North Carolina bar if you decide to continue in this direction. A more traditional way to raise capital is to borrow it from a bank like everyone else.

#6 If you don't mind me saying so.....don't try to craft your own agreement. Ask the Bar for one that is approved, get one from another North Carolina lawyer and copy it. If it doesn't work as written, you have to ask yourself why not ?

James

To: jamesg*****@hotmail.com rjon@howtomakeittrain.com

CC: LindaB***** @aol.com

From rjon@howtomakeittrain.com

Date: June 13, 2006 9:43:44

Subject: Help with fees, Please!!!!

Hello Linda & James,

I agree with some of the points made by my James & disagree with others. I'll try to address his points as well as your questions. Comments by James are underlined. My comments are not:

His points:

1. Flat fees work the same as normal fee structures in terms of collection. - I agree. Whether you charge by the hour or by the task or by the whole job doesn't dictate your policy on when you require payment or deposit into your trust account. You can charge \$100 per hour, estimate the job will require 10 hours and require the client to deposit \$1,000 into the trust account to cover your anticipated fees - or you can just tell the client that you will do the task for \$1,000 payable in advance as a flat fee. Likewise, you can charge the same \$100 per hour, work the same 10 hours with no security deposit and then pull your hair-out trying to collect, and by the same token, you can agree to handle the same job for \$1,000 flat fee but not get paid up-front and have the same collection problems.

The difference between flat fee vs. hourly is the difference between the client with limited experience having to budget the case vs. the lawyer who, presumably, has much more experience, taking responsibility for budgeting the case. When presented after a [Proper Sales Call](#) in which you & the client establish a clear understanding of the value of the matter you are dealing with, and with a clear explanation of how you arrived at the fee, the vast majority of clients prefer flat fees – after all, when's the last time you went to a restaurant or a doctor's office, or a shopping mall & prices were based on how long it took to cook your food/cure you disease/sew your clothing? (Rhetorical question - you get the point.)

2. A Lawyer asks for a retainer or down payment on the flat fee. If he is a clever lawyer he asks for just enough to get the client into a critical position just at the time he is about to run out of retainer. This system is worked until the case is over. The lawyer stops working on a case the minute the down payment/retainer runs out. There is no catch up. Service stops on the last dime.

This is indeed how many lawyers do it (sad!). It's a lot of extra work to keep-up with & breeds animosity with clients who eventually figure out what is going on. To make this work, you need to bill every month, review your a/r every month and have a good handle on what's left in the trust account every month to determine when service must cease before you get to that last dime, lest you arrive at the eve of trial with no money left in trust & no way to get out of the case.

Again, that's why most clients prefer to know what something is going to cost before they buy it. "How did you like your meal? Oh well, you know that pasta took a bit longer to cook than anticipated b/c the cook wasn't paying close-enough attention, so your bill will be 10% higher than the guy at the table next to you who ordered the same thing."

Instead, a better practice for your long-term success is to habitually invest the time up-front to budget how long a given task should take, then explain to the client that your normal rate is \$X, you anticipate the task or series of tasks to require Y hours & so you will do it for them for \$Z dollars on a flat-fee basis. If it takes a little more time, the client gets a break...if you can manage to figure-out how to get it done more efficiently the client also gets a break b/c 99% of them prefer to get things over with more quickly, not less quickly. **This way too, you know in the beginning if the client will have the money to pay your fee each month or if you should just let them [charge it all to their credit card](#) up front so you can both *relax* and focus on winning the case.**

3. Non refundable "anything" is unethical as the money is not yours until the hours are billed, as well as not a respectable way to raise capital.

Here I have to disagree with James in-part & agree with part. Non-refundable fees *ARE* ethical & respectable and here's why: Basic contract law - you need to have an offer, acceptance & exchange of some kind of consideration. For example an offer to hire you, & acceptance of the engagement. But let's say the client pours his heart out to you on Friday afternoon, you do no work at all & then on Monday morning he shows up & tells you not to proceed he's changed his mind.

Q. What's the "consideration" the lawyer has given?

A. You now owe that client a duty of confidentiality - forever.

That means when the next client limps in the door looking to sue the previous one for running him over in his Bentley & then backing-up again to make sure he was sufficiently hurt, while the whole scene took place in front of a group of Nuns with video cameras, you cannot accept that great case b/c you've already given-up the chance by the legally-binding "consideration" you gave when you agreed to keep everything confidential.

I do agree however that this is a silly way to raise capital. Converting a fee deposit from refundable to non-refundable does not turn it into "working capital." By their very definitions, fees & working capital are different things. You can't pay your personal bills with working capital, or else you'll end-up right back in the hole, and you can't forego revenues for working capital, or else you'll find yourself with too much invested in the case to be objective. Instead, working capital comes from only three sources:

1. The bank in the form of a line of credit;
2. The client in the form of a deposit for costs;
3. The law firm entity in the form of capital contributions by owners/partners, whose successful Rainmaking efforts enable them to earn more than they need to live-on & therefore have the extra cash available to fund larger contingency cases than clients can fund themselves.

IF A CLIENT CAN'T AFFORD TO FUND THE CASE TODAY, THEN WHAT MAKES YOU THINK HE'LL BE ABLE TO PAY YOU BACK FOR IT TOMORROW?

That's why clients have credit cards & [lawyers accept them](#).

Additional points you didn't ask about but I just want to pile-on. . .

A. You cannot "hide" anything from clients. They eventually figure everything out & hate you for it. Not a good way to build a sustainable & successful practice.

B. You can't turn a kitten into a dog. If a client can't afford your services you have three choices: Turn-down the case; Accept the case for a lower fee; or Accept the case on contingency when the economics of the case make that a viable way to get paid. Accepting a good case from a client who can't pay, because you think they'll somehow come-up with the money is like buying a kitten & raising it like a dog & then wondering why "Rover" won't fetch.

C. You stated: "I'm not able to "flat fee" all cases, especially litigation."

Why not?

SOMEONE has to sit down & think about how much the case is going to cost. What you're really saying is that you don't want to bother & so instead you're satisfied to just leave that responsibility to the client. If you can't say with confidence at the beginning of a case or matter what it will cost to get from A-Z, then how about telling me what it will cost to get me from A-B & then we can assess what it looks like from B-C & I can decide if I want to keep going or quit.

This is EXACTLY what every single client thinks through when their lawyer dumps an hourly billing fee agreement into their lap. Their thought process goes something like this: *"Well, let's see where we're at after I've spent \$1,000 & how much more it looks like it will cost from there. If I don't think I want to keep going, I'll just quit & ignore the bills that come asking for more money."*

Linda, you just need to decide if you want to participate in that conversation, or not.

D. Clients who disappear or fire you still have a contractual obligation to pay & you should have money in reserve in the trust account to protect yourself at all times. Clients cannot stiff you if you have money in the trust account to protect yourself.

Mechanics can keep your car & resell it to someone else, which is why they can get away with a "pay when it's done" kind of billing scheme. A lawyer's only collateral is the money sitting as a deposit for fees & costs in the trust account. Don't take a case without taking a deposit for fees & costs which you can bill against. Then, each month you bill against the deposit & when it runs low, you require replenishment. If no replenishment comes & you have no security left in the trust account to cover anticipated fees & costs, you put that case aside & work on another until the money arrives to replenish the deposit.

If you don't have any cases where there is enough money in trust to protect you from getting stiffed, **go out & do more marketing** for better clients who can fund their own cases. When you have made enough profit over & above your living expenses, you'll be able to afford to take some cases on contingency. Hopefully, some of those will result in a big windfall, swelling your war chest & you'll be able to take larger cases on contingency...

Chapter 3

Do You Want To Be A More Profitable, Ethical & Professional Lawyer? Consider Offering Your Clients The Option To Pay By Credit Card. . .

Every week I speak with attorneys who have trouble reconciling the conflicts in the relationships they have with clients: Creditor and Advocate. They call me on the telephone and they invite me into their offices for on-site consultations. They tell me of their troubles and ask me for help. I am a Practice Management Advisor with [How To Make It Rain.com](http://HowToMakeItRain.com) and these are my stories:

I visited "John" in his Orlando, Florida office.

He called me to ask for help. **He was working harder than ever but *never* seemed to take home enough money.** He thought his expenses were too high. John was even considering letting a secretary go whom he was sure, was taking office supplies home for her kids. (Office supplies typically represent less than 1% of a law firm's annual budget.)

ACCOUNTS RECEIVABLE: Clients pay us to solve their problems, we are not supposed to pay for them!

Once John understood the importance of screening Prospective New Clients in a systematic and professional manner to weed-out the potentially bad ones, he was ready to think about business. The first thing we had to address was the **ridiculous level of old & dusty accounts receivable** that were indirectly **costing him money** each and every month...

One of the reasons for John's unhappy condition were his conflicting feelings. These feelings were never discussed in his professional responsibility course during law school. Instead, John learned the hard way how really **difficult** it is to serve someone as both their **creditor *and* their advocate**. These two roles have inherent conflicts.

John eventually decided to require all of his clients to make a lump-sum deposit to his trust account to cover the entire cost of his services, **up-front**. He discovered that more clients than he had expected, actually had the money to do this & for the others he now offers them **the option to [pay by credit card](#)**. Now John can fight like crazy to advance his clients' interests and protect their rights and **he lets Visa or Master Card worry about being their creditor...**

Not only does this arrangement remove the inherent conflict, allow John to do a better job for his clients and eliminate costly accounts receivable problems, it even makes the client's life a little easier.

Contrary to what many attorneys think, clients who have not paid their bill *do* feel uncomfortable communicating with their attorney/creditor. It's no fun for either the

attorney or the client to talk about a case or matter when they both know about, and are trying to politely *avoid* the subject of **past due bills**.

Accepting Credit Cards Will Make Your Firm More Profitable

When John decided to get serious about wanting to be a more profitable, ethical and professional lawyer he made the decision to focus first on properly managing his law firm. John realized that despite what he had been hearing and repeating to others for years, it really is possible to budget a case or matter *ahead* of time with an adequate degree of accuracy in all but the most complex contentious cases.

Better yet, John realized that if he *over-budgeted* he could **always impress the client** when he returned some of their unused money.

Case-budgeting puts John much further ahead of the game than when he *used* to ask for retainer deposits at random. Best of all though, by investing the time to budget a case in the beginning, John now finds that he is able to be more pro-active in case or matter management and he has virtually eliminated the worst part of being a lawyer: **Collections**.

In the beginning it was a little scary for him, but today, John recognizes that requiring clients to make a large lump-sum deposit into his trust account to cover all anticipated fees and costs has the effect of **dramatically increasing firm income** for three main reasons:

- 1. There is less-tendency to write-down the bill when you already have the money sitting in your trust account.**
- 2. There is less-tendency for the client to negotiate down the bill after it's *already* been paid.**
- 3. Collections are far more timely, ie. reduced (or eliminated) accounts receivable. This improves firm cash flow and actually *reduces firm overhead*.**

Think about it: You have your own credit card bills, car loan, line of credit or home mortgage all of which are charging you every day for the use of their money.

If your client owes you \$1,000 for three months, you are in effect **borrowing money** from your *own* highest interest rate creditor in order just to be able to *afford* to loan that money to your client at **no interest!**

In the past, John would do the work and send a bill to the client at the conclusion of the representation. After three months, he would often end up writing the bill down 10% from \$7,500 to only \$6,750 **just to get some money flowing in**.

After three months, the \$6,750 really ended up benefiting John the equivalent of only \$6,402 after the discount and interest expense. \$7,500 vs. \$6,402 = \$1,098 or **15% reduced revenue**.

If John let this happen in only *half* of his cases each year and he regularly collected 1,500 hours per year, John could have taken a entire *month* off of work and still had the same income, had he simply gained control of his A/R.

And just so you know, there *are* some low-cost, mobile merchant account services that are built *specifically* for attorneys that need to accept credit cards every so often.

For example, I would recommend using [Accept by Phone](#), which is set up as a “pay as you go” merchant account, and costs only \$5.00 a month to use. It works great because you don't need a terminal to process the payments – just use your office phone, cell phone, PDA - or anything else that can call a 1-800 number.

I know a few lawyers using the service and they can't recommend it highly *enough*...

Final Thoughts...

It's obvious that running a law firm isn't always a “cakewalk” - but if you apply foundational business-building knowledge to your already-professional services, it can become more enjoyable, scalable, sustainable and ***incredibly profitable***...

Keep this report handy and refer to it often. I'd actually recommend that you **print it off and keep it in a small binder on your desk**.

This way, the next time you're wondering why it seems that no matter *how many* hours you bill – you're still not getting ahead – you can take 5 minutes to go over the foundational strategies and systems in this book to **optimize your practice and boost your profits** by simply making slight changes to the way you run your law firm.

Always remember that your law firm is a business – regardless of what it might be called. People are coming to you to get their problems solved, and you make money as a result. The difference, however, is that your “product” is one of the most profitable, in-demand and specialized services available.

And if you work smart – and not just “hard” - you can build an incredibly enjoyable law firm that will make you a fortune.

I trust that this e-book has opened your eyes to some of these basic, fundamental tactics and changes that you can apply to your law firm as early as **today**.

Here are some additional resources that will help you to **accelerate your law firm's success, starting today...**

■ [How to Make it Rain: Helping Small Law Firms Make a LOT More Money...](#)

How to Make it Rain includes the following tools to boost your law firm profits – while revealing *exactly* how to structure and run your law firm so that you can actually **work “less” and make more money...**

- ➔ [How to Market a Small Law Firm](#) – How to Flood Your Law firm with your “dream clients” over and over again without blowing money on advertising...
- ➔ [How to Have a More Enjoyable Small Law Firm](#) – Discover how to actually enjoy practicing law, and how to choose your dream clients – instead of being forced to work for clients that drain your energy, your time and your profits...
- ➔ [How to Close Every Sales Call](#) – Discover time tested secrets that will land you a profit-pulling case with practically every client you go after...

■ [Accept by Phone – The Mobile, Pay-as-you-Go Merchant Account That's Designed for Lawyers...](#)

Finally, now you can accept credit payments from your clients with a system – and a price – that **just makes sense**. Accept-by-Phone costs only \$5.00 monthly, with a 3.95% discount rate. See more details on their main site at www.Accept-by-Phone.com, and their [lawyer benefit page here...](#)

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- ▶ **8 Crucial Things You NEED to Know about When it Comes to Reading the "Fine Print"**
- ▶ **Why (and How) Most Merchants Spend WAY Too Much for Features They *Don't* Need (or Use)**
- ▶ **Discover the Real Reason Why Accepting Credit Cards Can and *Will* Actually Boost and **SIMPLIFY** Your Business as a Professional That Bills For Your Time...**

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If your law office looks like a GHOST TOWN, and if you're absolutely **going insane** trying to figure out how to bill enough hours to stay above water, then read this to find out what you're doing wrong – and how to **reverse** the problem entirely...



[>> Click Here to Download "TEN Rainmaking Mistakes Made By Solo Practitioners" Right NOW <<](#)

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