



AMERICAN
BANKRUPTCY
INSTITUTE

Northeast Bankruptcy Conference and Consumer Forum

Consumer Forum

Ethical Practice Management

Hon. Kimberly Bacher

U.S. Bankruptcy Court | Bow, N.H.

Luz Carrion

Lawyers Concerned for Lawyers | Boston

Jared D. Correia

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Economics & Ethics: A Practice Management Crash Course for Bankruptcy Attorneys

Hon. Kimberly Bacher

Luz A. Carrion, Esq.

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PANELISTS

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U.S. Bankruptcy Judge for the
District of New Hampshire

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Senior Law Practice
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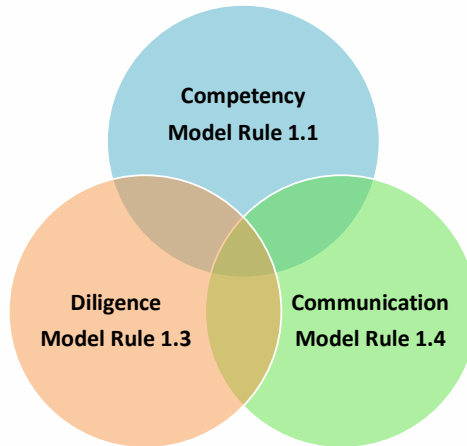
LEARNING OBJECTIVES

- **Identify key ethical considerations in law firm operations**
- **Evaluate effective business management techniques**
- **Develop a personalized plan to improve practice efficiency & profitability**





ETHICS TRIFECTA IN LAW PRACTICE



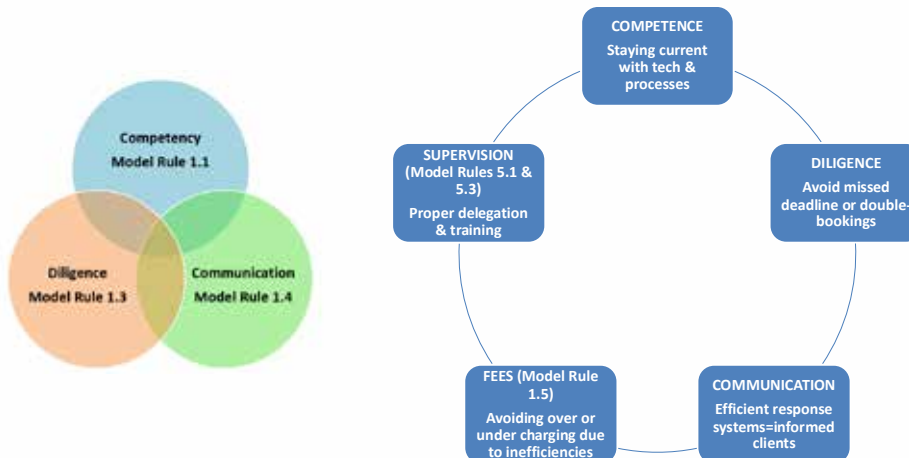


RESOURCES AVAILABLE FOR LAWYERS

LAWYER ASSISTANCE PROGRAMS	LAW OFFICE MANAGEMENT PROGRAMS / SERVICES	CONSULTANTS
<ul style="list-style-type: none"> • Lawyers Concerned for Lawyers – Massachusetts • NH Lawyers Assistance • Maine Assistance Program for Lawyers & Judges • Lawyers Concerned for Lawyers – Connecticut 	<ul style="list-style-type: none"> • LCL-LOMAP (MA) • NH Bar Association • CT Bar Association • ME LOMAP • ABA Law Practice Division • Check with your Bar Association 	<ul style="list-style-type: none"> • Red Cave Consulting



INEFFICIENCIES AND ETHICAL OBLIGATIONS





DO YOU HAVE INEFFICIENCIES?

1. What feels harder or more complicated than it should?
2. What takes longer than it should (bottlenecks)?
3. Which manual processes could be automated?
4. Are the right people handling each task, or is there a skill-level mismatch causing inefficiencies?
5. How do you track time & profitability per matter?

- For Chapter 7?
- For Chapter 11?
- For Chapter 13?
- For overall firm management (i.e., billing, collections)?



DELEGATION

MAKE A LIST

- Make a three-category list of everything you do featuring:
 1. Substantive work only you can do as an attorney
 2. Substantive work your staff can do
 3. Administrative tasks
- Delegate 2 & 3 as much as possible

REPLACE/ REPURPOSE STAFF

- Use technology to automate processes
- Outsource services (i.e., virtual assistants)
- Empower staff to do more meaningful work

SUPERVISION RULES

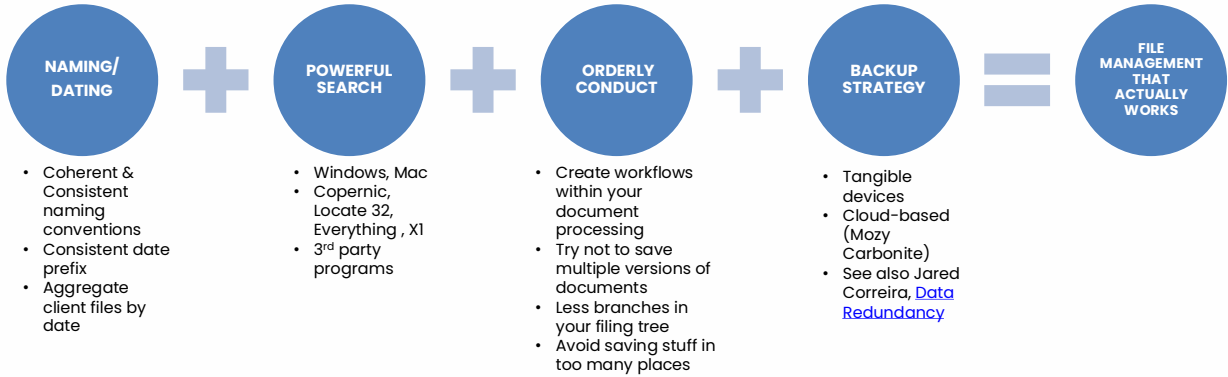
- Model Rule 5.1: Responsibilities of Partners, Managers and Supervisory Lawyers
- Model Rule 5.3: Responsibilities Regarding Nonlawyer Assistance

Jared Correia, [Delegation Nation: How to Practice at the Top of Your Law License](#).

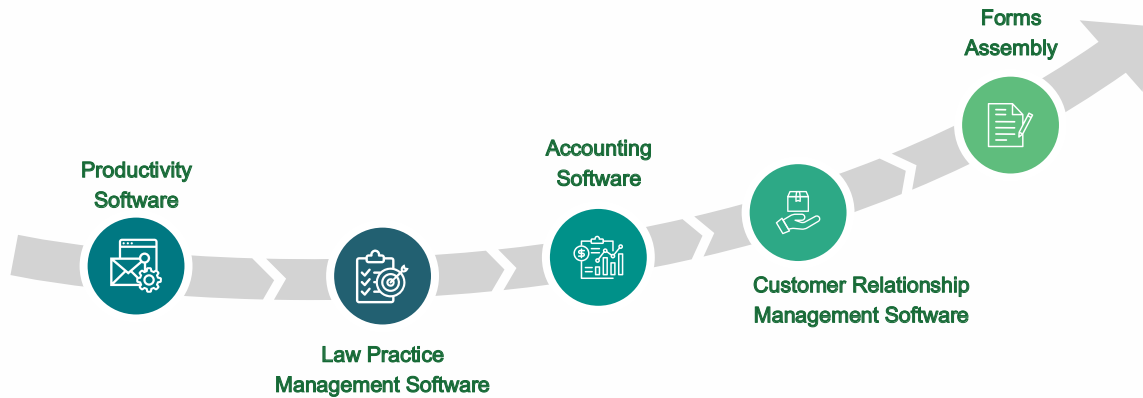


FILING & RETRIEVAL SYSTEMS

Jared Correia, [Pickin' Up What You're Puttin' Down: Locating Your Files](#)



BASIC TECHNOLOGY PLATFORM





IMPLEMENTING AI TECHNOLOGY IN YOUR PRACTICE



ABA Formal Opinion 512 Generative Artificial Intelligence Tools

01

COMPETENCY

- ABA Model Rule 1.1 & Comment 8: Exercise legal knowledge, skill, thoroughness & preparation reasonably necessary for representation; understand benefits & risks associated with technologies used to deliver legal services to clients
- Use appropriate degree of **independent verification or review** of Gen AI outputs
- **May not abdicate responsibilities** by relying solely on AI tool to perform tasks that call for the exercise of professional judgment
- Be aware of AI tools so that you can make an informed decision whether to avail yourself of these tools

02

CONFIDENTIALITY

- ABA Model Rule 1.6
- Employ a **fact-driven risk analysis** that depends on the client, the matter, the task, & the Gen AI tool used
- As a **baseline**, should read and understand the Terms of Use, privacy policy, & related contractual terms & policies of any Gen AI tool used

03

COMMUNICATION

- **FACTS OF EACH CASE** WILL DETERMINE WHETHER RULE 1.4 REQUIRES LAWYERS TO DISCLOSE THEIR GENERATIVE AI PRACTICES TO CLIENTS
- **Should consider** client's needs & expectations, the scope of the representation, & sensitivity of information involved

ABA Formal Opinion 512 Generative Artificial Intelligence Tools

See also, Luz A. Carrion, [Navigating the AI Landscape: Ethical Insights and Considerations for Lawyers](#) & Jared Correia, [All That's New With Legal Ethics and AI \(Artificial Intelligence\)](#)

01

MERITORIOUS CLAIMS & CONTENTIONS / CANDOR TOWARD THE TRIBUNAL

- ABA MODEL RULES 3.1, 3.3, & 8.4(C)
- Output from a Gen AI tool must be carefully reviewed to ensure that the assertions made to the court are not false

02

SUPERVISORY RESPONSIBILITIES

- ABA MODEL RULES 5.1 & 5.3
- Establish clear policies regarding the firm's permissible use of Gen AI
- Training of employees
- Vetting Gen AI tools & vendors

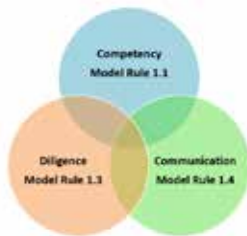
03

FEES

- ABA MODEL RULE 1.5
- Less time in drafting with AI but can charge for review of outputs
- May be unreasonable to charge same flat fee when using a Gen AI tool if task is completed much more quickly



CLIENT RELATIONS



Client Selection

- Who's your ideal client? (we are not looking for perfect client)
- Identify red flags early on
- Can you manage this client?
- Can you ethically take on this client?
- Luz A. Carrion, [Mindful Client Selection: Balancing Service with Boundaries](#)



Communication Policy

- Have a communication policy in writing & share it with your clients
- Can be part of fee agreement or a stand-alone policy
- Don't just give it, explain it
- Do not violate your own policy



Use Technology

- Use client portals in LPMS to keep clients informed
- Use texting features in LPMS instead of your cell phone to communicate with clients
- Use AI to help you explain complex legal terms and processes to your client



CLIENT RELATIONS & ADDITIONAL ETHICS RULES

MODEL RULE 1.5 FEES	MODEL RULE 1.6 CONFIDENTIALITY	MODEL RULE 2.1 ADVISOR
<ul style="list-style-type: none"> • Cannot charge unreasonable fee • Writing may be required in your jurisdiction (it is also best practice) • Be clear on fee and scope 	<ul style="list-style-type: none"> • A lawyer shall not reveal information relating to the representation of a client unless the client gives informed consent or an exception applies 	<ul style="list-style-type: none"> • A lawyer shall exercise independent professional judgment and render candid advice • In rendering advice, a lawyer may refer not only to law but to other considerations such as moral, economic, social and political factors, that may be relevant to the client's situation



CLIENT RELATIONS & ADDITIONAL ETHICS RULES

MODEL RULE 1.16 WITHDRAWAL	MODEL RULE 1.7 CONFLICTS	MODEL RULES 1.9 & 1.18
<ul style="list-style-type: none"> • Cannot represent a client or must withdraw if the representation will result in violation of the rules of professional conduct or other law • Read the rule for mandatory and permissive withdrawals • If case is in court, must follow rules of tribunal for withdrawals 	<ul style="list-style-type: none"> • Cannot represent a client if the representation involves a concurrent conflict of interest • Read the rule! • Some conflicts cannot be waived 	<ul style="list-style-type: none"> • Rule 1.9: Duties to former clients (cannot represent another person in the same or a substantially related matter in which that person's interests are materially adverse to the interests of the former client) • Rule 1.18: Duties to prospective clients (Is there a consult? Confidentiality & conflicts)



CLIENT RELATIONS & PROFESSIONALISM: YOUR BEST MARKETING TOOL

Do good work (even when you are unlikely to be paid)

Help (when possible) other lawyers & participants in the process

Be honest & respectful

Return calls!



HOW TO MARKET A BANKRUPTCY PRACTICE



Clarify Your Niche & Messaging

- Identify your ideal client
- What are your niche areas? (consumer, business, Ch 7, Ch 13, Ch 11)
- Clearly explain your value proposition (affordable, efficient, trustworthy)



Develop a Strong Website

- Mobile-optimized website with clear calls to action
- Include FAQs, your process, & what clients can expect
- Ensure accessibility and up-to-date bios/photos



SEO & Adds

- Use Google Business Profile & local keywords
- Invest in pay-per-click ads strategically
- Create content to support long-tail SEO
- What NOT to do in advertising: Jared Correia, [Advertising for Law Firms | Why Law Firm Advertising Fails](#)



HOW TO MARKET A BANKRUPTCY PRACTICE



Reviews & Referrals

- Ask satisfied clients for reviews (after case is over)
- Make it easy to provide reviews (give them links)
- Connect with lawyers in other practice areas (divorce, real estate, consumer rights)
- Get involved with bar associations



Develop Content

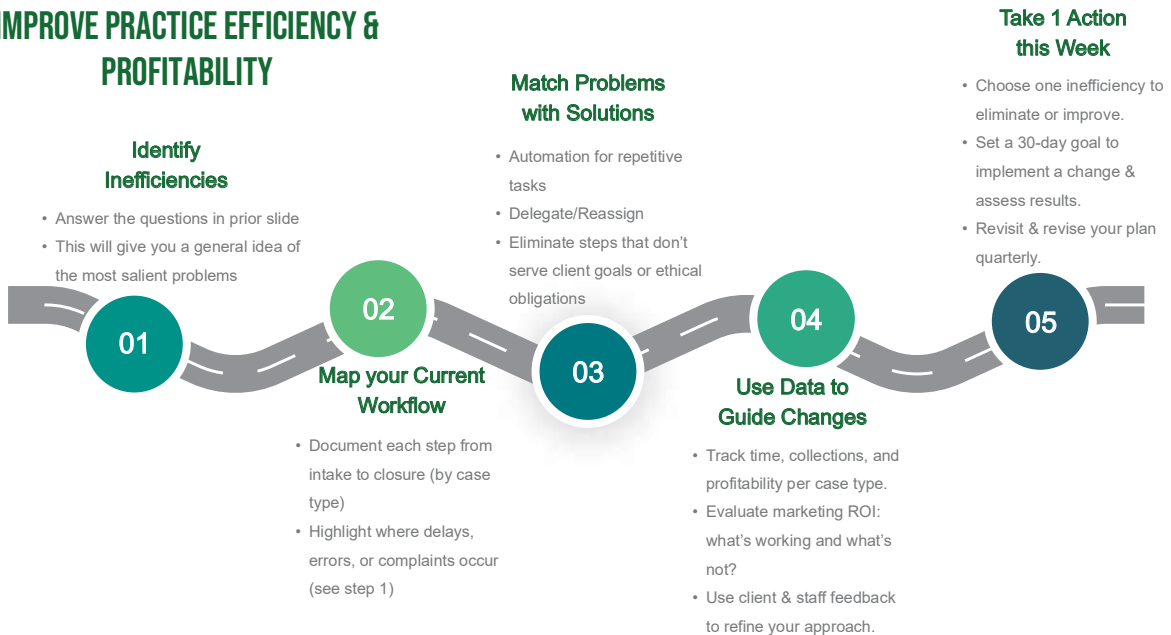
- Educational blog posts
- Short videos
- Reels
- Newsletters



Ethics

- Model Rule 1.5(e): Referral fees with lawyers outside of firm (note MA exception)
- Model Rule 5.4: Can't share fees with nonlawyers
- Model Rules 7.1-7.3: Advertising & Solicitation
- Model Rule 1.6: Confidentiality

DEVELOPING A PERSONALIZED PLAN TO IMPROVE PRACTICE EFFICIENCY & PROFITABILITY



Faculty

Hon. Kimberly Bacher is Chief U.S. Bankruptcy Judge for the District of New Hampshire in Bow. For the 12 years prior to her appointment, she was a trial attorney with the U.S. Department of Justice, U.S. Trustee's Office, first serving in Chicago before transferring to Concord, N.H. Judge Bacher clerked for Hon. Jack B. Schmetterer of the U.S. Bankruptcy Court for the Northern District of Illinois. After her clerkship, she practiced bankruptcy law in Chicago at Goldberg Kohn from 2007-09, and at Shaw Fishman Glantz & Towbin LLC from 2009-12. Judge Bacher received her B.A. from the University of Vermont in 2001 and her J.D. *cum laude* from American University Washington College of Law in 2005.

Luz A. Carrion is a senior law practice advisor with Lawyers Concerned for Lawyers in Boston, a role that requires her to meet regularly with clients, develop programs, write articles, make presentations to the legal community and act as a mentor. Before joining LCL in May 2023, she served as an investigator and assistant bar counsel at the Office of Bar Counsel (OBC) of the Massachusetts Board of Bar Overseers (BBO). In the latter role, she screened and resolved complaints that came to the OBC's Attorney and Consumer Assistance Program (ACAP) alleging attorney misconduct. Ms. Carrion also previously served as complaint counsel at the Massachusetts Board of Registration in Medicine, where she investigated and litigated complaints involving physicians and acupuncturists. In these roles, she developed expertise and insight into ethical, regulatory and practice issues affecting these professionals. She also recognized the impact of mental health or behavioral issues on their practices. Ms. Carrion's government and administrative law experience also includes serving as a hearings officer at the Massachusetts Registry of Motor Vehicles. In that role, she held administrative hearings involving primarily drivers' license suspensions. As with prior roles, she had to consider and address mental health or behavioral concerns that were relevant to drivers' license suspensions. After law school, Ms. Carrion clerked for the Massachusetts Juvenile Court. She received her J.D. in 2004 from New England Law Boston.

Jared D. Correia is the founder and CEO of Red Cave Law Firm Consulting in Boston, which offers services directly to lawyers, as well as through bar associations, for member attorneys. He is a former practicing lawyer who has been a business management consultant exclusively for law firms since 2008. In that time, Mr. Correia has worked with 1000s of law firms all over the world, ranging in size from solo offices to Big Law. He also is an internationally recognized legal technology expert and hosted the "Legal Toolkit" podcast on Legal Talk Network from 2009-25. Mr. Correia is currently the host of the "Legal Late Night" podcast on the Legal Broadcasting Co. and the host of the "Adventures in LegalTech" podcast for Above the Law, in addition to contributing to the ATL Tech Center 2025. Mr. Correia is a regular presenter for legal organizations, and writes often for law firm business management publications. He received his B.A. in English in 2000 from Saint Anselm College and his J.D. in 2003 from Suffolk University, where he was a staff member on its law review.

Aria Eee is the executive director of Maine's Board of Overseers of the Bar in Augusta, Maine. Her primary responsibilities include assisting the Board in its fiduciary obligations, advising Maine lawyers on ethical concerns, and presenting legal education programs. Previously, Ms. Eee served

as Maine's Bar Counsel and for several years in the Bar Counsel's office. She began her career as a NAPIL fellow assisting Passamaquoddy Tribal clients, then as counsel for the Passamaquoddy Tribe's Housing Authority (Pleasant Point). She also was a solo practitioner in Washington County, Maine, before serving for several years as an assistant attorney general. Ms. Eee teaches professional responsibility as an adjunct professor at Maine Law, from which she graduated in 1994. She is also a subject-matter expert for the National Conference of Bar Examiners. Ms. Eee is a member of the ABA, the MSBA (including its BIPOC and WLS sections), the Gignoux Inn of Court and various affinity bar groups. She has devoted nearly 25 years of her legal career to public service in the state of Maine, and she is the 2020 recipient of the Law School's L. Kinvin Wroth Distinguished Alumna/us Award. Ms. Eee received her undergraduate degree from the University of Alabama and her J.D. in 1994 from the University of Maine School of Law.