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I’m going to hazard a guess: you started your own firm because you had big plans. You dreamed of serving your clients on your own terms. You envisioned taking control of your schedule, both in and out of the office. And you pictured yourself writing your own paycheck, rather than slogging through years on an associate’s salary, hoping to make partner. Now that you’re on your journey as an entrepreneurial lawyer, you’re finding out just how complicated it can be to bring those initial plans to fruition.

The good news is, you can have the kind of firm you envisioned when you first hung out your shingle. I know, because I’ve spent the past 20 years working with estate planning attorneys from around the country who own the types of firms many lawyers only dream of. They provide the kind of service that wins them life-long clients, they have very healthy incomes, and they have time for a fulfilling life outside the office.

One of the secrets to these attorneys’ success is that they know they’re more than just lawyers; they’re businesspeople, too. They understand the financial aspect of doing business, and they pay very close attention to the numbers.

Managing your firm by the numbers is crucial if you want the combination of financial success and work-life balance that most law firm owners dream of. Every month, your firm brings in revenue, and you spend money on a variety of items: you compensate yourself and your staff members, you pay rent, you buy equipment and office supplies, you market your business… the list of expenses goes on and on.

The question is, how do you keep track of your firm’s financial information, and what do you do with that information once you capture it.

Law school trains you to be a lawyer, not to run a business. Without formal business training, you might not be aware of the treasure trove of information your financials represent. Or the power this information gives you as a law firm owner.

Do you want to know if your law firm is really healthy?
Are you satisfied with your firm’s current financial picture, but want to make sure it will continue to thrive?

Is your firm struggling, but you’re not sure why?

The numbers don’t lie, and a thorough analysis of your firm’s financials can paint a clear picture of where your firm stands. Once you understand where you are financially—and where you want to be—you can adjust your decision-making to guide your firm in the direction it needs to go.

THE VALUE OF BENCHMARKS

During the years here at the American Academy of Estate Planning Attorneys, I’ve collected and analyzed profit & loss statements from numerous small- to medium-sized estate planning firms, and I have worked in-depth with the owners of these firms to help them achieve their unique visions for their businesses.

In the course of this work, my colleagues and I have uncovered certain financial benchmarks that serve as reliable indicators of the health of an estate planning practice. These numbers are not set in stone; however, they are valuable guidelines for measuring your firm’s financials. The Academy’s benchmarks are a useful starting point for assessing your firm’s overall fiscal health, interpreting why certain financial indicators exist within your firm, and understanding how to go about making changes should you decide to do so.

If you’re going to give your firm a financial checkup, there are four key areas we believe you should pay attention to.

The numbers don’t lie—Guidebook to Financial Benchmarks for Law Firm Success
BENCHMARK I: REVENUE

When a new member joins the Academy, we sit down for an in-depth analysis of the firm’s financials. Our discussion begins with a review of the firm’s revenue stream. We talk about fees, marketing costs, the firm’s caseload and how those cases break down into revenue categories, as well as the source of business for each revenue category. Digging into these details reveals valuable information about how effective the firms marketing efforts really are.

These specifics vary from firm to firm, depending on factors like location, background, history in the community, and marketing choices. However, we’ve found that there are certain basic revenue benchmarks that are consistent across the board.

Revenue per Person on Payroll: $150,000 to $175,000

An incredibly important Academy benchmark is Revenue per Person on Payroll. Rather than talking about overall revenue goals, we divide gross revenue by the number of employees on the firm’s payroll. This includes everyone: owners, associates, full- and part-time staff members—each and every warm body the firm pays on a regular basis.

Each person on the payroll is assigned a number based on the total hours per week they work. Full-time employees are counted as a “1;” those who work half-time get a “.5.” If your office is only open four days a week, each employee gets a “.8.” Add up the numbers assigned to everyone on payroll, divide your firm’s annual gross revenue by this total, and you have your revenue per person on payroll.

For example: The Jones Law Firm brought in $1,392,589 in gross revenue last year. Its employee breakdown looks like this:

- Attorney/owner: 1
- Associate: 1
- Full-time staffers: 4
- Part-time staffer: .5

So, there are 6.5 employees on the firm’s payroll, and last year’s revenue per person on payroll was $214,244.46.

What do these numbers tell us?

Below the Benchmark

The rock-bottom number for this benchmark is $130,000. If a new member comes to the Academy and their revenue per person on payroll falls below this number, we see it as a wonderful opportunity to talk about the potential reasons, and there are several common possibilities:

- **New Firm/New Practice Area:** If you’re just getting started or you’re laying the groundwork to branch out into a new practice area, your revenue won’t meet the benchmark. It takes some time to recoup the initial expenditures that are required to start a new firm or to expand an existing firm; as long as you have a solid plan and you’re sticking to it, there’s no need to worry about revenue benchmarks at this point in your firm’s life cycle.

- **Overstaffing:** You could be overstaffed for the revenue you’re generating. To determine the low end of revenue your firm is staffed to support,
multiply the number of people you had on payroll last year by $130,000.

**Inefficiency:** Is everyone in your office really “busy” all the time, yet not enough is actually getting done? This could indicate that you don’t have adequate systems for accomplishing work within your firm. Or, if you have systems in place, there could be inefficiency in how your systems are being implemented. Find the bottlenecks, and you’ll increase your revenue.

**Turnover:** High turnover can lead to inefficiency. When you have to bring in new employees on a frequent basis, it means you have untrained staffers attempting to get work done without having mastered your systems. Figure out the reason for your turnover rate, and you can eliminate the inefficiency.

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**The Sweet Spot**

Academy members who are making money are in the range of $150,000 to $175,000 per person on payroll. They stay at this level because, as a rule, they share the following characteristics:

**Great Fees:** These firms pay attention to keeping their fees healthy. They charge consistent fees, don’t undersell themselves, review their fee structure on a regular basis and raise their fees to keep pace with their costs. Most significantly, they never, ever compete on the basis of price.

**Great Systems:** These firms also run efficient businesses. They have a comprehensive group of systems in place covering every function that occurs in their practice ranging from marketing to final signing meetings. Tasks are done right the first time, and the work flows smoothly from the moment a client is retained until that client’s file is closed.

**No Turnover:** Another factor that contributes to the financial success of these firms is that they invest a great deal of time and planning into finding the right employees and ensuring that those employees have fulfilling positions within the firm. This means that, as a rule, these firms have virtually no turnover. When you have great systems and no turnover, everyone knows what needs to be done and how to do it—and your firm runs like a well-oiled machine.

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**Above the Benchmark**

Believe it or not, when a firm is bringing in more than $175,000 annually per person on the payroll, this might be a warning sign. Revenue that’s just a little over this mark is probably not cause for concern, provided the firm has efficient systems in place.

But what about the Jones firm, with per person revenue of more than $214,000? My guess would be that this firm has a fantastic team of long-term employees who are highly invested in seeing the business succeed. This is a great thing for the firm, and it works well, as long as none of these excellent employees retires, gets sick, or moves away. The firm needs to have a backup plan in place to sustain its efficiency, keep its clients happy, and maintain its revenue in case it loses one or two staff members.
Revenue per Attorney: $500,000

A second useful revenue benchmark is Revenue per Attorney. To determine this figure, you divide your firm’s gross revenue by the number of attorneys you have on staff. Although it’s not a hard and fast rule, the Academy has noticed that well-run, thriving estate planning firms tend to have per-attorney revenue of at least $500,000 annually. In fact, many of our member firms are closer to the $1 million per attorney mark. However, the $1 million firms have generally taken a good deal of time to build their practices.

Let’s take a look at a typical new Academy member:

The Smith firm employs two full-time attorneys and one part-time associate. Last year, the firm grossed just over $800,000. This puts the firm’s per-attorney revenue at $320,000.

When a new member comes to the Academy with per-attorney revenue that falls well below the $500,000 benchmark, we immediately look a little closer at the work each attorney is doing.

Attorney Work

The Academy sees the role of an attorney as that of a CEO and a counselor. In an efficient, profitable estate planning firm, the lawyers focus on a few narrow functions:

- They do the work that, legally and ethically, an attorney is required to do. This work cannot be delegated to a staff member who does not have a law degree.
- They spend time going out and generating more revenue for the law firm.
- They assess their skills and talents to determine which activities comprise the best and highest use of their time, and they focus on these activities.

Every other function is delegated to qualified, well-trained employees.

Non-Attorney Work

In firms with low per-attorney revenue, we typically see attorneys doing non-attorney work that should be delegated. For instance:

- Acting as a notary
- Drafting correspondence
- Drafting and editing documents
- Attending the final signing meeting for wills and trusts

Some attorneys even insist on making the coffee or checking the mail every day!

If you are engaging in non-attorney work because it’s your choice and you enjoy doing it, don’t let me stop you. I just want you to understand how that decision affects your firm’s bottom line.
BENCHMARK II: COMPENSATION AND SALARIES

65% of Gross Revenue

We’ve seen where you want to focus your attention when it comes to money coming into your firm, but what about your expenditures? Your largest expense is compensating yourself and your employees, and the Academy has found that certain guidelines tend to work consistently across the board.

Owner’s Compensation: 40% of Gross Revenue

When I’m meeting with a new member, and they’re paying themselves less than 40 percent of their firm’s gross annual revenue, the first thing I do is help them figure out where their extra owner’s compensation is going. We’ll go through all the firm’s other expense areas to track down which category (or categories) exceeds the Academy benchmarks. Then, we talk about whether those other expenditures are intentional or unintentional.
For instance, let’s say you’re a solo attorney, and you grossed $1,000,000 last year, but only paid yourself $320,000. I would look at these numbers and ask you who you gave your remaining $80,000 to. Then, we'd take a look at your firm's numbers and track down your missing owner’s compensation. If you spent it on new technology equipment that you’ve been holding off on forever, perfect! There’s an explanation, and the decision was an intentional one.

But what if you couldn’t really identify where the $80,000 went? If you hadn’t made a conscious choice to forego part of your owner’s compensation and divert that money for other pre-defined purposes, then we'd look at each of the other Academy benchmarks, one by one, to find your missing owner’s compensation.

### Compensation for Staff and Non-Equity Attorneys:
25% to 30% of Gross Revenue

Often, when owner’s compensation is low, it's because a firm's staff salaries are a little on the high side.

In many firms, this is a conscious decision and it represents something great about the owner’s leadership. When you have loyal, long-term staff and a very low turnover rate, it can make sense to sacrifice a little of your income and pay stellar employees a bit over the benchmark amount. As long as you’re comfortable with this arrangement and you mean to do it—fantastic!

On the other hand, in some firms, a staff compensation number that is above the benchmark means that it’s time to reassess the way things are getting done. Your employee compensation costs might have become bloated over the years because your staff is not busy enough. Or you and the other attorneys in your firm might be doing work that could be delegated to paralegals or other employees.

If this is the case, the benchmark can be a catalyst. It can spur you to implement appropriate systems within your firm to help your employees become more efficient, to reassess what work attorneys and other employees should be responsible for, and for making other shifts in the way your firm approaches doing business.
BENCHMARK III: MARKETING

8% to 10% of Gross Revenue

Marketing can be a tricky topic for law firms. It’s hard to know exactly which marketing methods to use, what marketing plan you should implement, and how much you should spend on your marketing activities.

Many firms who spend well below 8% of their gross revenue on marketing find that they don’t meet their revenue goals. And, as we all know, one of the consequences of low revenue is lagging owner’s compensation.

On the other hand, when a firm spends more than 10% on marketing, it’s often an indicator that they lack a systematized marketing plan. Simply spending lots of money on marketing is not enough; you have to use your marketing budget wisely.

Digging Deeper: Cost Per Case

When I’m discussing marketing expenses with an Academy member, I don’t just look at the firm’s overall marketing budget; I also pay attention to the amount they’re spending to acquire clients on a case-by-case basis.

We review the numbers on the based on “cases,” not necessarily based on clients. For example, when a firm provides a living trust for a married couple, we count that as a single case, rather than counting the husband and wife as separate clients. If a client has a living trust, a family limited partnership, and trust administration in the same year, this would represent three cases.

After we determine how many cases a firm handled throughout the year, we divide the firm’s marketing expenditures by that number to come up with the cost per case. If this number is more than $250, it’s an indicator that the firm might not be diversifying its marketing methods enough.

A lot of firms rely almost exclusively on what the Academy calls public marketing activities like public seminars, direct mail advertisements, newspaper ads, and billboards. These activities get your name in front of a large number of people at one time, but they’re expensive and they’re the equivalent of cold calling.

Many of these firms could benefit by integrating some private marketing activities into their marketing plans. These activities happen when someone introduces you to a group and gives you their endorsement. Private seminars, referrals, and marketing additional services to your existing clients all fall into this category. Private marketing doesn’t reach as many people at a time, but because it is warmer and less expensive than public marketing, you have to do less of it to get the same number of people to retain you.

Your Marketing Plan

Deciding which marketing activities to pursue requires a detailed analysis of the work your firm is currently doing. You have to do a breakdown of the categories of service you provide, and take a look at how many cases are in each category and what percentage of your firm’s revenue that category represents.
Different categories of service lend themselves to different types of marketing. Without analyzing your firm’s revenue by categories of service, you have no meaningful way to determine which of your marketing activities are working and which could be adjusted. You also have no way to identify where there’s a gap in services.

Here’s an example:

<table>
<thead>
<tr>
<th>CATEGORY</th>
<th>REVENUE</th>
<th>% OF GROSS</th>
<th># OF CASES</th>
</tr>
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<tbody>
<tr>
<td>Corporate Fees</td>
<td>$5,334</td>
<td>.5%</td>
<td>6</td>
</tr>
<tr>
<td>Restatements/Amend: Existing Clients</td>
<td>$58,881</td>
<td>5.6%</td>
<td>22</td>
</tr>
<tr>
<td>Basic EP: Living Trusts</td>
<td>$631,330</td>
<td>59.9%</td>
<td>203</td>
</tr>
<tr>
<td>Basic EP: Wills/Ancillary Docs</td>
<td>$17,840</td>
<td>1.7%</td>
<td>20</td>
</tr>
<tr>
<td>Advanced Planning</td>
<td>$61,252</td>
<td>5.8%</td>
<td>24</td>
</tr>
<tr>
<td>Trust Administration</td>
<td>$170,462</td>
<td>16.2%</td>
<td>17</td>
</tr>
<tr>
<td>Probate Services</td>
<td>$92,219</td>
<td>8.7%</td>
<td>10</td>
</tr>
<tr>
<td>Miscellaneous Fees</td>
<td>$17,253</td>
<td>1.6%</td>
<td>0</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$1,054,571</strong></td>
<td><strong>100%</strong></td>
<td><strong>302</strong></td>
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During a year-end review of the Allen Firm’s financials, we see that most of the firm’s revenue came from wills, living trusts, and other basic estate planning services. The numbers also reveal that the firm’s number of advanced planning cases was approximately 10% of the number of basic plans—a healthy figure.

However, the Jones firm would like to increase its caseload in a couple of categories. The first is restatements and amendments for existing clients. The second is post-mortem services like trust administration and probate.

This information is invaluable in helping a firm structure its marketing plan. Armed with the knowledge gleaned from their financials, the Allen Firm can make the following marketing decisions:

- To increase its number of restatement and amendment cases, the firm needs to up the number of existing clients coming in for estate plan reviews. This can be done systematically, with either a client-by-client push or with a series of mailings to remind existing clients of the importance of reviewing and updating their plans.
Unless the firm is willing to risk a crush of clients calling to request an estate plan review all in the same month, some planning is needed. The Allen Firm should stagger its marketing efforts to dribble in the appointments throughout the year, starting with its oldest retained client.

It’s all just a numbers game. If the firm needs 60 restatements next year, that equates to 5 restatements per month. The firm structures its marketing calendar to aim for this goal so that all 60 appointments don’t happen in December.

Post-mortem cases require a slightly different marketing approach. Rather than send out a blanket mailing to existing clients, the Allen Firm will want to make sure it has a system in place to touch base with clients throughout the year. Part of that system might be putting a staff member in charge of going through the obituaries and sending sympathy cards to clients’ families. If the firm has kept in contact throughout a client’s life, then this step is simply touching base with people who should be thinking of the attorney as a hero and as part of the family.

Another marketing strategy that would work to increase post-mortem cases is as simple as maintaining a Facebook fan page for the firm. Think about how many of the firm’s clients—and their children—might “fan” the law firm. Then, when the time comes for trust administration, these families are familiar with the firm and they know where to turn.

**BENCHMARK IV: RENT**

6% to 7% of Gross Revenue

A final benchmark to pay attention to is the amount you’re spending on rent. If you own your building, are you “renting” from yourself or are your books set up to have the mortgage in this category? Check with your accountant to determine the best tax strategy.

If you don’t own your building, your rent should be close to 6% to 7% of your firm’s revenue. A figure higher than this indicates that you might want to look at the size of your office. We’ve found that breaking down total office space (including the lobby, conference rooms, and other common areas) into average square feet per employee yields some very interesting information. Most of our members find that 250 to 350 square feet per employee is optimal.

When rent costs are high and office space exceeds this per-employee square footage, it opens up a conversation about subletting part of your space to a CPA or financial advisor. Not only can this arrangement help keep your expenses under control; it can also foster a symbiotic relationship that allows you to provide further value to your clients.
In addition to paying attention to how your firm’s numbers stack up against the Academy benchmarks, it’s also helpful to watch out for seven red flags that point to roadblocks standing in the way of your firm’s success.

1. **Unhealthy Fees**: Fees tend to be a huge issue for new members joining the Academy. Often, these firms have set their fees too low or they have neglected to regularly review and increase their fees as costs rise.

2. **Fudging on Fees**: An adjunct to unhealthy fees is a tendency to fudge on fees. This happens when estate planning, trust administration, and restatement fees fluctuate from client to client or from one attorney to another in a firm. Another common way attorneys fudge on fees is to “throw in” additional services at no additional fee—for some clients, but not for others.

3. **High Staff Turnover**: Staff turnover is expensive, both financially and in terms of employee morale. If your turnover rate is high, it’s an indicator that there may be some leadership challenges to pay attention to.

4. **No Marketing Plan**: When it comes to marketing, many firms have great ideas and lofty goals, but those goals are never turned into a marketing plan or put on a calendar. Therefore, they never materialize. You have to analyze each revenue category and plan out the appropriate marketing steps. Otherwise, you just won’t reach your goals.
5. **Attorneys Engaged in Non-Attorney Work:** Attorneys should spend their time on revenue-generating activity. If the attorneys in your firm are spending time on non-attorney work, your bottom line will suffer.

6. **Failure to Review Financials:** Many firms miss a golden opportunity to spot and correct problems before they spiral out of control, simply because they don't routinely run and review last month's financials by the 10th of the current month.

7. **Missed Advanced Planning Opportunities:** In many of my conversations with attorneys, a prominent issue crops up: when they meet with clients to discuss basic estate planning, they're missing advanced planning opportunities. The advanced estate planning fee may be $3,000 to $15,000. Structuring your basic planning meetings to uncover advanced planning needs can be a huge revenue boost.

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**YOUR STRATEGIC PLAN**

You’ve taken a look at the Academy benchmarks, and you see some gaps between them and your firm’s numbers. You might even recognize a few red flags in your practice. You also have an idea of what you’d like your firm to become. What next?

At this point, you should take some time to flesh out that idea so that you can really envision your firm as you want it to be.

The first step is to think about what standards you’ll implement for your future firm and how you want your clients to feel each and every time they have contact with you or one of your employees. Most likely, you want them to feel listened to, taken care of, and like their needs have been met. And, if you want to make lifelong clients, you want them to feel like no other attorney in your area could possibly take care of them the way you do.

Once you have a clear picture of the standards you want to put in place for your firm it’s time to project yourself into the future and envision, down to the smallest detail, what your law firm will look like when it’s done.

Imagine you’re standing in front of your building. Does the entrance still look the same, or have you made changes? Are you in the same building or have you moved to a new location?

- What does the lobby look like? What furniture is there and how is it arranged? How about the art work on the walls? What reading material do you have available?

- Do you have marketing materials on display in the lobby? What do those materials look like? What image do you present to the community?

- Who’s your ideal client? What demographic group do they fit into?

- What are your firm’s business hours? Are you open five days a week? Four?

- Are you always at your office during business hours, or do you have the systems and highly-trained staff in place to allow the firm to operate as an independent entity?

- Who is sitting at your front desk? When a client walks into your office, how is he or she greeted? What refreshments is he or she offered?
In your back office, how is the workflow handled? Who does what? How are client files tracked? How are client phone calls and emails handled?

If an employee has a question, how is it answered? Are you the one answering all the questions as they come up, or do you have a system in place for minimizing interruptions to your workday while making sure employee concerns are addressed?

When it’s time for clients to come in and sign their estate plans, who handles the signing? What happens during the signing meeting? How do your clients feel when they leave your office?

These questions are just a jumping-off point. I’m sure you’ll ask and answer countless more as you think through your vision for your firm.

What you’re doing with this exercise is building a detailed picture of the strategic objective for your firm. It’s a blueprint of what you want your firm to look like, and envisioning it in detail, like you’re watching a movie about your future firm, is important.

As soon as you’ve determined your strategic objective, you’ll realize you have a problem to solve: how do you get from here to there?

The solution starts with a solid understanding of exactly where “here” is. Every story you have to tell about your practice shows up in your financials, so it’s time for an unflinching and detailed look at your firm’s current numbers. As I said at the very beginning, I believe that the Academy benchmarks are an excellent guide for comparing and evaluating the financial health of your law firm. But that’s all they are: a guide. It’s up to you to determine what information works for your firm, and what doesn’t.

There is one absolute constant, however. When you understand your starting point and you have a clear picture of your destination, the goals you set for your firm translate into a simple mathematical formula. Building a thriving firm with a loyal client base is more algebra than alchemy. The trick is determining the right formulas for your firm and then implementing them consistently.
THE AMERICAN ACADEMY OF ESTATE PLANNING ATTORNEYS

Even with a solid understanding of your firm’s financial health and a clear picture of where you want to go, it can be difficult to know exactly which steps you should take toward reaching your goals. There is no one-size-fits-all plan that works for every law firm, and finding—and staying on—the right track can take some trial and error.

That’s why I love my work with the American Academy of Estate Planning Attorneys. We help attorneys eliminate the trial and error, and support them on their way to success.

The idea for the Academy started more than 30 years ago. Law partners Robert Armstrong and Sanford Fisch discovered that they needed to solve a very happy problem. Their effective marketing programs were generating more clients than their firm could handle. They realized that they needed to systemize their law practice, streamline production methods, and take advantage of state-of-the-art practice management techniques. As a result, their firm, Armstrong, Fisch & Tutoli, APLC, grew into one of the most successful estate planning law practices in the country.

It didn’t take long for Robert and Sandy to recognize a similar need among attorneys nationwide. In 1993, they founded the American Academy of Estate Planning Attorneys with the goal of helping lawyers from all walks of life transform their practices into thriving businesses. Today, the Academy serves law firms in over 135 geographic areas in 45 states, and its members include some of the most widely recognized experts in the estate planning field.

No Guesswork

Academy members belong to a community of lawyers who receive an entire range of support and benefits. When a new member joins the Academy, we help them assess their current practice, including their firm’s financials. We also assist them in envisioning their ideal law firm, down to the last detail.

Then, we bring to bear the knowledge, experience, and tools we’ve amassed over the past two decades to take the guesswork out of bridging the gap between the member’s current reality and the future they’ve envisioned for themselves.

Competitive Advantage

We assist our members in providing unparalleled service to their clients, giving them a competitive advantage over other firms in their communities. With our Four Pillars of Support program, member firms offer comprehensive wealth-care management with an intergenerational perspective. Member firms are
equipped to assist their clients with Estate Planning, Elder Law, Post-Mortem Services, and Financial Services, with complete management support by the Academy. This support encompasses:

- **Technology:** Comprehensive client-management software automating back office processes, eliminating missed deadlines and misplaced files.

- **Legal Documents:** Document libraries containing templates for over 30,000 essential estate planning documents.

- **Marketing:** Pre-planned seminars and advertising programs.

- **Legal Expertise:** Custom legal education, training, and research.

Armed with this suite of tools and bolstered by the Academy’s support, members are poised for the success they seek.

For additional information on the Academy and its track record of success, contact us. We can put you in touch with one of our members who began in a situation similar to yours. They’ll be happy to share with you the ways Academy membership helped transform their practices and lives.

Call 1-800-846-1555 or email the Academy at info@aaepa.com if you have any additional questions about membership, or visit our website at www.aaepa.com.