AUGUST/SEPTEMBER 2009

totalbalance

A MAGAZINE FOR LEGAL PROFESSIONALS

Easy Livin'

One-on-One with Darren Green

INNOVATIVE Practice Changes

The LAWYER'S GUIDE to Public Speaking

EVIDENTIARY FOUNDATION Fosters Fraud

CASE MANAGEMENT SYSTEMS Risks & Rewards

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Total Balance magazine provides timely information on practical, affordable ways to achieve greater work-life balance, specifically for attorneys and legal professionals.

Written for attorneys in solo practice or in small law firms and the legal professionals that help them serve their clients, each bi-monthly issue of Total Balance includes: thought leadership, in-depth articles on practice management, best practices, useful tips and attorney success stories.

Available in both print and electronic formats, Total Balance fits your needs. The electronic format provides easy access with a click to websites, videos, blogs and more.

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The Total Practice Management Association (Total PMA) is dedicated to helping attorneys, paralegals and other legal support staff build and manage a profitable practice without sacrificing their personal life.

Our mission is to provide members with educational resources, workshops, conferences, affinity partnerships and community forums. Total PMA helps attorneys learn to work smarter, not harder.

ISSUE 02 **EDITOR-IN-CHIEF** Chere Estrin **PUBLISHER** Allen S. Brody, Esq. **DESIGNER** Alexia Vanek

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Contributors

Nicole Black

Of counsel to Fiandach & Fiandach, in Rochester, New York, Black co-authors *Criminal Law in New York*, a Thomson West treatise, and writes a weekly column for the *Daily Record*. She is also the founder of **www.LawtechTalk.com** where she provides legal technology consulting services.

John Cleaves

Technology in Practice Support Supervisor for Latham & Watkins in Los Angeles, California where he manages the Practice Support team responsible for eDiscovery. Cleaves consults with attorneys on eDiscovery and manages eDiscovery vendors. Formerly an attorney with a small-firm practice, Cleaves has been the Director of Trial Services at FTI Consulting and Director of Media Services at LegaLink.

Adrian Dayton

Dayton has formed Comrad Esq to aid firms in marketing with a focus on Social Media Strategy. He has been quoted by the *Wall Street Journal*, the *ABA Journal* and *Above the Law*. He is finishing his second book *Associate to Rainmaker: How New Technology is Leveling the Playing Field for Lawyers* to be published September 2009.

O. Max Gardner III

Business Week calls Gardner the "go-to person for all bankruptcy issues" and Gretchen Morgenson at The New York Times calls him "Angelo Mozillo's (the former CEO of Countrywide Home Loans) worst nightmare." Kodner is from a legendary North Carolina political dynasty and a consumer bankruptcy lawyer. He was named Outstanding Consumer Lawyer by the National Association of Consumer Bankruptcy Attorneys (NACBA) and is the only North Carolina consumer lawyer named as "Super Lawyer" for four years.

Matt Homann

LexThink founder Matt Homann is a lawyer, mediator, writer, speaker and entrepreneur. He shares many of his ideas on legal innovation in his award-winning blog, **the [non]billable hour**. As a facilitator of conferences, retreats and brainstorming workshops, he has worked with both large and small law firms and large organizations including McDonald's, Microsoft, HP, British Petroleum and the U.S. Marine Corps.

Ross L. Kodner, Esq.

President of MicroLaw, Inc., Kodner has held leadership roles in the ABA and local bar associations. He founded the Wisconsin Solo & Small Firm Conference and chaired the Wisconsin Law & Technology Conference. He is the only five-time recipient of the industry's top honor, the Technolawyer Award. His blog, Ross Ipsa Loquitur (**www.rossipsa.com**) was acknowledged by ABA's Blawg 100. He is best known for his internationally acclaimed "Paper LESS Office™" concept.

Paramjit L. Mahli

Responsible for directing and overseeing the marketing and business development of The Sun Communication Group, Mahli brings more than 17 years of experience in teaching, journalism, and public relations across England, Canada, and the United States. She worked as a producer and reporter for the Canadian Broadcasting Corporation (CBC) Financial Post, CNN, CNNfn and *The Journal of Commerce*.

Thomas E. Ost

Thomas E. Ost Concentrates on Criminal, Traffic, Mental Health, Wills and Trust, and Family Law. His focus is on helping people that are frightened, victimized or frustrated by legal problems. Ost worked 20 years as a public defender and also as a Military Police Officer in the Illinois Army National Guard. He started his practice in 2009.

Janet Ellen Raasch

Raasch is a writer, ghostwriter and blogger who works closely with professional services providers – especially lawyers, law firms, legal consultants and legal professionals – to help them achieve name recognition and new business through publication of keyword-rich content for the Internet as well as articles and books for print.

Tim Ryan

Ryan is Director of Sales and Vice-President of Total Attorneys. Tim graduated from the University of Illinois at Urbana-Champaign, with a degree in Entrepreneurship. Formerly with IKON Office Solutions, he spent two years in the industry and quickly became a top producer. He then moved to MPR, a small consulting firm specializing in Human Capital Consulting. MPR was actually Total Attorneys very first client. As Total Attorneys continued to blossom, Tim accepted a position with the company.

As the marketing sites continued to flourish, Tim expanded the sales team and formalized its processes, instituted the company's Behavioral Selection process and Performance Management program. He also took on management of the Sponsor Advocate Team, Total Attorneys' customer support group, and the Infra-IT business unit.

Allison C. Shields

Sheilds is a lawyer and founder of Legal Ease Consulting, Inc., and focuses on helping lawyers create more productive, profitable and enjoyable law practices. Shields has been a practicing lawyer for 12 years with experience working in small and mid-sized law firms.

Up Close & Personal

Some advice on how to build a law practice: A former public defender decides to strike out on his own

By Thomas E. Ost

I did not realize it at the time, but I first started to build my own law practice in 1987 when I was in law school. I knew sooner or later I would want to start a practice but I realized that law school was doing a poor job of preparing us to build a practice. I began to read books on practice management and over the years, it became sort of a hobby.

After law school, I became a public defender in a Chicago county and had a great career. This past April I started my own private practice. Thankfully, many people have helped me along the way. I really have to thank the Total Practice Management Association and the ABA for pointing me in the right direction, and giving me some confidence in the methods that I am choosing to build my practice. Hopefully, I can pass on some things that I have learned so far.

Do your homework

Start by listening to others. Over the course of my career, I always listened to other lawyers' war stories and horror stories about their practices. Do not stop there. Listen to every paralegal, investigator, law librarian, secretary, medical professional, business person or overworked store clerk you can. It is absolutely astonishing how much you can learn. Your fellow lawyers' stories will help steer you around the pitfalls. Your co-professionals in the legal field will tell you a great deal about their job, if you listen. At first, you will often be doing these things for yourself. Those medical professionals and business people will often tell you more about conducting business than you will have ever learn from law books or practice management seminars. Those overworked store clerks will give you great lessons on how not to act as a boss.

Treat your employees well, and they work for you. If not, your business will either not survive or cost you a lot more to run it. Now that I have finally hung out my shingle, many of these same people that I have listened to over the years are now sources of business referrals where I get most of my clients.

> "**Law school** was doing a **poor job** of preparing us to build a **practice.**"

Along more conventional lines, you should also be reading and picking up what you can about practice management and client development. The lists of "how to do it" books are frankly too numerous to name. You probably already know about them, but if you seriously do not know of them, send me an e-mail and I will point you in the right direction. An invaluable resource once you sign the client is West LegalEd Center for Online CLEs (**www.westlegaled.com**). You can learn almost anything from that service.

However, there are some things you will need to learn through experience such as what a hassle it is to deal with the agencies you need to deal with in order to get your tax identification numbers. The Federal one is a breeze. The State and local ones are a total hassle. Even though you complete an online application, the State took about a week to give me a taxpayer identification number. The sad thing is that you cannot begin to do any banking without a taxpayer identification number.

> "Two roads **diverged** in a wood, and I — I took the **one less traveled by,** And that has made **all the difference.**"

Give back and you will get back

The next step is to get clients but in order to do so, you need to get known and be known. So, get involved in the world around you: give back and you will get back. In reality, most of us live in little communities, even if the little communities are in big cities. Treat your little community as a small town and get to know your neighbors.

One character flaw we have as lawyers is to want to be the smartest intellectual in the room. Unfortunately, that can make us either isolated book worms or the obnoxious lawyers that people joke about. Fight back against either of those images. Find those causes or organizations that you care about and get involved. Getting involved will give you the opportunities to do good things. It will also give you a chance to have some fun and "have a life" that we all crave as busy lawyers. For me, getting involved has meant my church and my children's activities.

Here are some things I have done recently along these lines:

1. I called the religious education director to find out what they needed for the summer school program. Then, I donated some of those items.

2. I bought an advertisement in a neighboring church bulletin, and introduced myself to the minister. This way he knows that the church is not just a one-way street.

3. I asked the high school musical director what kind of snack food the kids like and donated the food. I also helped build the theatrical set. (I was not always a "white collar" worker.)

4. I called up the organizer of a church picnic and offered to help out.

The goal is not to get business but to get people to know and trust you. You do need to commit to them, though. Do not get involved just to get involved. Get involved because you truly care. Then, do your very best to come through.

Broaden the net

The next step, broadening your net, is actually one of my biggest challenges. There are so many ways to broadcast my availability as a lawyer that it is easy to get overloaded. Here are some things that I am in the process of doing and the questions that come up for me:

1. **Building a web presence.** Do I do it myself or do I spend huge sums of money to get someone else to design it?

2. **Taking out ads in the neighborhood papers.** How do I do it without looking like a fool?

3. **Advertising in the yellow pages.** If everyone does it, then why are the publishers of the directories going broke?

4. **Advertising** in Community Theater and local sports team advertising books. These are fun to do, but is there any real payoff?

I realize that some of these might be the "no, duh" suggestions. Doing them is not the real challenge. The real challenge is how to do them well without going broke before you see the return on the investment. As a startup, anyone's budget should be lean. You cannot afford to do everything nor can you afford to do too little. My marketing spending decisions are the ones I truly agonize over.

I realize that building my practice will not be an overnight project but lifelong project. I will need patience, fortitude, ethics, and, most of all, clients. I love being a lawyer. Truthfully, I hope that I never have to retire. The key bit of advice from my experience is (1) to make decisions, and (2) choose a path. Mine is not the only path, but it is the one for me. In closing, some lines from Robert Frost's poem, "The Road Not Taken," from *Mountain Interval*, (1916), come to mind:

I intend to have some fun, help some people and be rewarded on my path. I hope you all find the same.

For a list of books on practice management, e-mail Tom at t.e.ost@worldnet.att.net. ■

Get A Life.™ Conference

R E D U X

Great news for anyone who attended the inaugural Get A Life.™ Conference in May – and everyone else who wishes they did! The Total Practice Management Association has launched a series of follow-up sessions to help legal professionals continue to strive for greater work~life balance. You can find Total PMA on Blog Talk Radio plus watch full-length video recordings of all the Conference sessions. For more information visit **www.totalpma.org/events.**

Join us Live on blogtalkradio™

The live Blog Talk Radio show allows callers to chat directly with Conference speakers. Everyone is invited to call in with your successes or challenges. Or you can listen online a and learn how other attorneys have applied Conference insights to overcome obstacles. Each Blog Talk Radio chat is also available as a podcast so check out the complete schedule on the opposite page and tune in.

Watch and Learn

Total PMA members can review full-length video from each Conference session. Whether you're ready for refresher or listening for the first time, these feature videos are jam-packed with tips for greater work~life balance:

Blog Talk Radio and Video Release Schedule

Featured Expert(s) and Topic	Video Release Date	Blog Talk Radio Show Date	Blog Talk Radio Show Time
Gerry Riskin Bulletproofing® Your Clients and Your Joy of Life	July 20th, 2009	July 22nd, 2009	2:00 PM
Ross Fishman Focused Marketing	August 4th, 2009	August 6th, 2009	1:30 PM
Kevin O'Keefe Social Media	August 18th, 2009	August 20th, 2009	TBA
Stephen Fairley Build a Seven-Figure Law Practice	September 1st, 2009	September 3rd, 2009	3:00 PM
Tim Ryan Recruiting and Selecting Talented People	September 15th, 2009	September 17th, 2009	2:00 PM
Larry Bodine Creating a Business Development Action Plan	September 29th, 2009	October 1st, 2009	TBA
Kevin Chern & Damon Cheronis The Art of Closing	October 13th, 2009	October 15th, 2009	3:00 PM
Kevin Chern & Gerry Riskin Create Your Own Strategic Plan	October 27th, 2009	October 29th, 2009	3:00 PM
Allison Shields Billing 101	November 10th, 2009	November 12th, 2009	2:00 PM
Max Gardner & Alexis Neely Virtual Workers Cut Law Firm Overhead	December 1st, 2009	December 3rd, 2009	3:00 PM
Mark Jacobsen Attorney Websites	December 15th, 2009	December 17th, 2009	TBA
Stephen Fairley Automating Client Communication	January 12th, 2009	January 14th, 2009	3:00 PM
Will Hornsby & Nancy Roberts Linder Ethics Jeopardy	January 19th, 2010	January 21st, 2010	TBA
Ed Adams, Larry Bodine & John Remsen PR on a Shoestring Budget	February 2nd, 2010	February 4th, 2010	TBA

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