

Reminder:
Nominations
Due Jan. 5

Our Tenth Annual Meeting: Short Takes on the Program

John Cummins and the program committee arranged an interesting program of discussions, lectures and interactive sessions, beginning with a lecture by **Morris R. Shechtman**, author of *Fifth Wave Leadership: The Internal Frontier*. He emphasized that the legal profession – and the College – are dealing with continuing change.

Information formerly available only to lawyers is now widely available to almost everyone – people are becoming smarter, more informed and more knowledgeable about buying legal services. Relationships in the work place and at home are driving change. Today's "high-risk" culture creates the opportunity for stronger relationships between lawyer and client, because sharing risk demands trust. "Building bridges that count [...] between each other] is based on emotions," said Shechtman. He stressed that people are the only distinguishing characteristic that our firms – and our law departments – have. We need to understand ourselves in order to develop and make new and different choices.

After Shechtman's initial presentation, the Fellows divided into two groups. One group met with him; the other attended a retirement planning seminar. Later each group switched when the small group sessions were repeated. Shechtman's group continued the discussion with challenges and comments from Fellows.

The retirement planning seminar was given by **Doug Hannah** of John L. Wortham and Son L.P., insurance brokers, and **Madelyn Iris** of the Buehler Center on Aging, Chicago. Hannah gave an overview of the need for, and how to organize, legal and financial documents to anticipate and plan for retirement

needs. Iris, a psychologist, gave a self-test to get us focused on our attitudes and concerns about retirement. She described retirement as "the third age" and suggested an "asset-based approach" – examining our life assets: skills, strengths, aptitudes, vision, values, interests, knowledge, experience and wisdom.

The more we approach retirement with purpose and passion, the more satisfying and fulfilling it will be. There are problems we don't like to think about, but we can plan for them. Iris suggested several Web sites as resources, including: Civic Ventures (www.civicventures.org); Elder Hostel (www.elderhostel.org); Senior Net (www.seniornet.org); and American Association of Retired Persons (www.aarp.org).

Saturday's luncheon featured a lively talk by **Saul Levmore**, Dean of the University of Chicago Law School. Particularly appropriate for an election year, Levmore discussed "Information Markets of the Future," and how

Editor's Corner

We begin the College's 2004-2005 year with a summary of this year's annual meeting, news about your colleagues and a provocative profile asking the College to focus more on the needs of lawyers in small firms and solo practices. We look forward to news from you and comments on our articles. Thanks for reading.

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decision-making is enhanced by the availability of information. One fascinating example he cited was the Iowa Presidential Futures Market, which has never been wrong and has predicted the outcome of U.S. Presidential elections more accurately than any poll.

During Saturday's luncheon, the InnovAction award winners were introduced, and short presentations were given at the conclusion of the afternoon program sessions. The winners' contributions to the field of law practice management are featured on the College web site – go to www.colpm.org, click on the flashing InnovAction Award graphic at the bottom of the home page and then click on "winners."

Furthermore . . .

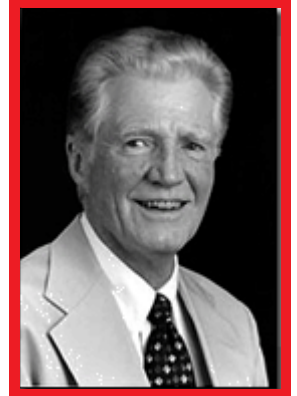


In keeping with the topics discussed at the Annual Meeting, and incorporating ideas from Morrie Shechtman's presentation, **David Bilinsky** published an article, "Foundation Skills for the New Culture" in *Bartalk*, the publication of the Law Society of B.C. "In this . . . column, I thought it fitting to look at the challenges up-and-coming lawyers will face and what tips are available to assist them in their careers," he states.

A new Fellow and the practice management advisor at the Law Society of British Columbia, David emphasized that the most important skills for the new culture are decision making and relationship building. He says that, "Senior partners in law firms must learn how to effect change in their senior associates," and suggests that listening skills are among the most important habits every lawyer must develop.

David can be reached at dbilinsky@lsbc.org.

Fellow **Bob Denney**, President of Robert Denney Associates, Inc., has also published on this theme and offers the following shortened version of an article he wrote last winter. Contact Bob at bob@robertdenney.com



What a Firm Should Expect of Its Partners

As regularly as the swallows come back to Capistrano – although more frequently than every seven years – many law firms revise their compensation systems to measure and reward a partner's contributions to the firm. The criteria for measurement will vary with each firm but often include billable hours, collections, origination, management and so on. That is, of course, important. But an interesting trend seems to be developing. In addition to defining the production they require from their partners, a growing number of firms are defining the qualities they expect of them. These core expectations generally include the following:

- **Working hard.** Practicing law is hard, time-consuming work. Partners must invest more time than anyone else in the firm.
- **Excelling as a lawyer.** Partners must maintain high levels of expertise and ethics as well as client service.
- **Maintaining and expanding the client base.** Partners must generate enough work from current and new clients to keep themselves – and others – fully employed.

- **Being a team player.** Partners must at times subordinate their individual goals to what is best for the firm.
- **Contributing to the profession and the community.**
- **Acting like an owner, not just an employee.** Partners must accept, and even seek, responsibility for the success and welfare of the firm.
- **Treating everyone in the firm with respect and civility.**
- **Sharing.** Partners must look out for each other and be willing to devote time and expertise to clients for whom others in the firm are responsible.
- **Passing the torch.** Through their efforts in recruiting and training young lawyers and transitioning clients, partners must ensure that the firm will continue and prosper as an institution.
- **Being the other partners' biggest supporter and, at times, severest critic.** A partner doesn't just make the other partners look better; a partner makes the other partners be better.

Senior lawyers may consider all this as a return to the old-fashioned way of practicing law. It probably is, but these firms have realized something else. If the partners haven't collectively established these core expectations and then held themselves accountable for meeting them, revising the compensation system is, as one managing partner stated, "A little like rearranging the deck chairs on the Titanic."

In other words, these firms expect before they compensate.

[Editor's note: If you have thoughts on these ideas – in support of or opposed to – please send your comments to the

College at s.geist@comcast.net. We will publish them in a future issue.]

From
MAT



Greetings, Fellows!

It is a rich honor indeed to have been elected President of the College. But it is a double delight to announce the other new officers and Trustees who were selected at our recent Annual Meeting:

Burgess Allison, Ron Friedmann and Susan Raridon Lambreth have accepted the Board's invitation to become Trustees.

John Cummins, as Treasurer, will mind and manage the College's meager but growing coffers.

Maggie Callicrate becomes Secretary and will take on the critical task of tracking the workings of the Board.

Dave Hambourger was elected Vice-President.

In the excellent company of the other Trustees, it is the work of this group to guide the business of the College, to leverage the value of fellowship and to select from those nominated each year the individuals to be inducted into the College at the next Annual Meeting. If you know any or all of these new folks, you will no doubt agree with me that they are more than up to the task!

I must also express a HUGE thank you to those who have served on the Board of Trustees but have now stepped down:

Charlie Robinson has been a College Trustee for three years. His wonderful perspective, warmth, humanity and intellect have served the Fellows and the College well.

Susan Nycum's savvy and no-nonsense perspective will be sorely missed at the Trustee meetings.



Chuck Coulter, our outgoing President, has served on the College Board of Trustees since . . . well. . . a really long time. And he has done yeoman's duty as a leader, as a coach to the members of the Board and as a careful guardian of the College's core concept. Rather than ramble on about Chuck's stellar contributions and the size of the shoes he has left for me to fill, let me just wish that

you all could have been with us in Chicago to join in our black-tie Kazoo salute to Chuck: "For He's a Jolly Good Fellow!"

We also presented Chuck with a memory book enclosing personal notes and photos from a lifetime of friends and colleagues. If you didn't have a chance to contribute but would like to, drop him e-mail at chuckcoulter@slhlaw.com.

Whether or not you joined us in Chicago, you'll no doubt enjoy the batch of photos from the weekend on our web site at [www.colpm.org/Fellows' Corner/Meetings](http://www.colpm.org/Fellows%20Corner/Meetings).

But enough about us. . . I want to hear about you. Personally, I have some pretty clear goals in mind for this coming year.

Fresh Programming

I think it's time we solved the puzzle presented by trying to provide meaning-

ful programming for a senior group of people who, frankly, know more than they have left to learn.

Greater Value to Fellows

There is enormous value in the recognition that comes with induction. But it can't stop there. Starting with our meeting in Chicago, the Trustees have begun to look at ways in which professional and personal value can be leveraged through College fellowship.

Giving Back

From its very inception, there has been the intention that the College will serve as a means of funding and assisting "projects that enhance the highest quality of law practice management." Professionals at this stage of life are interested in helping individuals in the way they were helped earlier in their own lives. As our ability to fund such activities grows, we will look at scholarship, endowment and other opportunities.

Underserved Populations

Go to www.colpm.org and take a look at the Fellows' Directory. You'd have to be napping to miss the fact that there are a couple of significantly under-represented groups: managing partners and sole practitioners. While these seem like two ends of the spectrum, the issue is the same. Individuals who have excelled in managing the practice of law. . . who have created new precedent. . . demonstrated new ways to do things. . . but may not have spent time lecturing and publishing, have been overlooked in the nomination process. This is the year we start to look hard at ways to identify those who rolled up their sleeves, did the work and changed the profession.

What do you think? I would like to hear your thoughts about the College. What should we be doing that we aren't? How would you change our annual offerings – and improve attendance? Are there ways



to better use technology to support what Fellows say they want most: collegiality? I'd love your advice. Please send me any thoughts at mat@astintarlton.com.

Hoping to hear from you soon!

Merrilyn Astin Tarlton
President

Fellow News



Silvia Coulter, chief marketing and business development officer at Dorsey & Whitney, along with Catherine Macdonagh, director of business development at Day, Berry & Howard, and Beth Cuzzone, director of business development at Goulston & Storrs, have co-founded the Legal Sales and Service Organization (www.legalsales.org). The primary focus of LSSO is to help practitioners and others in law firms whose primary focus is business development and client service.

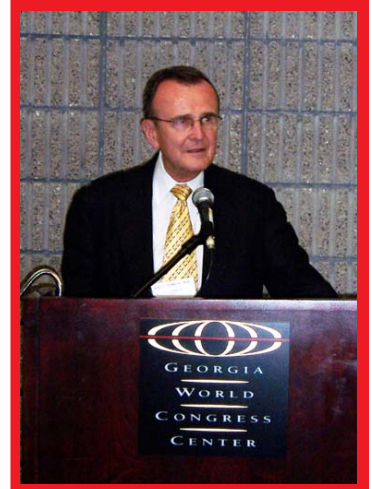


Betsy Kalb was married in October to Logan Cheek, of Pittsford, NY, (near Rochester). Betsy continues to live in New York City, where she is a senior director of administration for Sonnenschein.



Michael Simmons is completing a two-year term as chairman of the Society of English and American Lawyers. In February 2005, he will become president of the West London Law Society. He chairs the Senior Lawyers' Committee of the International Bar Association, to help retain senior lawyers, provide programs for them, and make the Committee a focus and pressure group for senior lawyers in matters relating to age discrimination and other issues.

Jimmy Brill received the Sam Smith Award for lifetime achievement in the field of law practice management from the Law Practice Management Section. The presentation was made by **Roberta Ramo** at the 2004 ABA annual meeting. In receiving this award, he joins Fellows **J. Harris Morgan, Dick Reed, Warren Tomlinson**, and of course, **Sam Smith**, all of whom were prior recipients. Since 2000, Jimmy has been on a crusade to modify the Texas rules dealing with the death of the solo practitioner and was appointed chair of a state bar Task Force on Starting Practices.



In January 2005, **Ron Seigneur** will begin his 15th year as an adjunct professor at the University of Denver College of Law teaching "Applied Leadership and Management Theory for Law Firms" in the Master of Science of Legal Administration program. He was elected to the board of directors of the Colorado Society of CPAs, and he speaks frequently about practice management issues.



Jim Calloway, director, Management Assistance Program, Oklahoma Bar

Association, has been named chair of the ABA TECHSHOW 2005 Planning Committee (March 31-April 2, 2005). He was elected to a two-year term on the Council of the ABA Law Practice Management Section.



Jay Foonberg continues an active schedule of CLE presentations. He may be the only person to give CLE presentations in all 50 U.S. states (and some other U.S. jurisdictions), in every Canadian province, and on every continent – most recently in Australia and New Zealand. At the 2004 ABA meeting, he was honored by the Law Student Division for Lifetime Achievement in Helping Law Students and Young Lawyers and for three decades of work in promoting diversity in the profession. Jay also continues to write articles and publish books.



Charles McCallum, a partner at Warner Norcross & Judd LLP, has been appointed to the ABA's Standing Committee on Ethics and Professional Responsibility and was elected secretary of the ABA Section of Business Law.



Simon Chester has joined Heenan Blaikie LLP in Toronto as a litigation and business law partner after 19 years at McMillan Binch. In addition to his client responsibilities, Simon will be responsible for building up the firm's intellectual infrastructure, including knowledge management, technology applications, research and legal opinions. Heenan Blaikie is a full-service firm with historical strengths in labor relations, intellectual property, and tax. It has 370 lawyers in eight offices across Canada, with significant strength in the French-speaking province of Quebec.

Barbara Harrison Kaye has left the field of law completely and is now the director of institutional advancement at Mount Saint Michael Academy, a boys high school run by the Marist Brothers, in Bronx, New York. As a former high school and college math teacher, she is enjoying this new challenge in development and alumni relations, making full use of her 20 years of law marketing experience.

November 30 was **Paul McLaughlin's** last official day as acting practice advisor and practice management advisor with the Law Society of Alberta, a position he held for more than 13 years. On December 1, he returned to private practice in partnership with his son, Andrew, carrying on business under the name Turning Point Law in Sherwood Park, Alberta.

Go to the membership directory on the College web site for all new contact information for Simon, Barbara and Paul.

Personal Insights – Introducing:

Wes Hackett, Solo Practitioner

Wes Hackett has spent the past 30 years in the Lansing, Michigan, area. After two short stints as a small-firm partner, he became a solo practitioner and for the past seven years has operated from his home in Saranac, Michigan, a town of approximately 1,500 people.



Wes believes he is the only lawyer in town. He handles real estate, estate

planning and small business planning matters (or, as Wes describes it, he has a “problem-solving practice”).

With no secretarial or administrative support, Wes’s operation consists of him and his sidekick – a computer. For efficiency, his processes have been semi-automated, but when the notion strikes him, he’ll get out of bed in the middle of the night to work on matters that need attention. He also indulges in writing – some law-related, some not – and enjoys traveling.

Wes shares his life with Alice Geiger, two daughters, two grandchildren and an “extended family” of three children, 13 grandchildren and four great-grandchildren.

When asked how the College of Law Practice Management could be more meaningful or relevant to him, Wes shared the following thoughts. Seventy percent of all lawyers practice in firms of five or fewer lawyers. Wes asks what the College of Law Practice Management is doing for this market because he believes the College’s constituency doesn’t represent this universe. At present, the College seems to have a large-firm focus, and Wes feels that solo and small-firm practitioners’ issues are applicable to all lawyers, while large-firm issues are not. Wes asks: Is the organized bar so inwardly focused that it can only regulate and police the profession? Can it be more externally focused to deal with broader issues?

Wes cites two examples from his own practice that would demonstrate an attitude toward serving the solo and small-firm market and its clients. His desire is for the officers and Trustees of the College to find ways to advance this concept of service – not only through the College but also through the bar.

Example One

Rule 1.5(b) of the Model Rules of Professional Conduct provides that, “When the lawyer has not regularly represented the client, the basis or rate of the fee shall be communicated to the client, preferably in writing, before or within a reasonable time after commencing the representation.” Some in the Bar would like to make it mandatory that a written fee agreement be entered into with the client before the beginning of the representation. That is regulation, followed by policing.

The Law Practice Management Section of the State Bar of Michigan took a different approach. It developed a “Standard Retainer Agreement” form using no-carbon-required (NCR) paper. All variable information is entered on the first page in ballpoint pen (thereby making the “client’s copy”). Standard language is printed on the back of both copies. The client’s copy also has attached to it a “Statement of Client Rights and Responsibilities.” Additional standard pages cover such issues as contingent-fee provisions and interest or late-payment charges. The format allows the individual attorney to insert additional pages or paragraphs (non-standard).

This form can be used by 90 percent of the lawyers in 90 percent of their cases, whether a sole practitioner is handling a divorce in Detroit or a small-firm lawyer is handling a personal injury claim in the Upper Peninsula. It will not be used by a big firm representing a “Big Three” automaker. By making the form available to practitioners, and making it easy to use, the Bar seeks to encourage compliance with Rule 1.5(b). This is a positive attitude, rather than a negative one. However, the Michigan State Bar Representative Assembly, when asked to make the form an official State Bar form, twice declined to do so.

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Example Two

Motions for summary judgment usually require supporting affidavits from witnesses (along with other written documentation, such as exhibits and deposition transcripts). The Bar should encourage lawyers to obtain statements from witnesses in advance of filing the action, using an affidavit form kept in the word processing program of one's laptop computer. Taken to a meeting with a witness, along with a small printer, the evidence from the prospective witness can be obtained, and it will not be necessary to return to see whether the witness will tell the same story several months later. At trial, most witnesses will not want to commit perjury by deviating from their prior sworn statements.

By converting from a regulation and policing attitude to one of seeking ways to help the practicing lawyer do the job better, the Bar (under the leadership and impetus of the College) can markedly improve its image among its members (present and prospective). Wes thinks it is worth a try.

[Editor's note: What do you think? Should the College take an advocacy role on such issues? We encourage responses and will print a compilation in a future newsletter. Please send your comments to the College at s.geist@comcast.net.]

Planning Ahead



Thanks to new Fellow and accomplished photographer **George Brandon** for this up-close view of Vancouver, B.C., site of the College's 2005 Annual Meeting. Mark your calendar now for the weekend of September 9 and 10. Special destination and special hotel – the Four Seasons. Don't miss it.

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