
THE PRACTICE MANAGER

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The Technology Roundup

Gerry Morris, J.D.

New Options in the Computer Market



Deciding which computer to buy has never been easy. Since IBM first licensed its PC architecture and clones were born, there's been a dizzying variety of processors, hard drives, RAM, ports, multimedia configurations and, of course, software from which to choose.

However, for the past couple of years it seems as though processors didn't fundamentally change except that the clock speeds kept increasing. There was no great leap in performance as there was from the 286 to the 386 to the 486 to Pentium. Instead AMD and Intel engaged in a race for the fastest processor without adding much more than speed and on-chip cache size.

In the past few months though, some new technology has once again increased the choices among processors beyond their clock speeds. Both AMD and Intel have introduced 64 bit

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The Coach's Corner

Debra Bruce, J.D.

Questions May Be the Answer for Performance Problems



Do you have an employee who just doesn't seem to be performing up to snuff? Is there a way to rehabilitate that employee? Or do you have to choose between termination and tolerating inferior performance? Employee turnover is time consuming, disruptive, costly and often bad for office morale (including yours). Before jumping to the conclusion that the employee just isn't working out, it's worth making sure that the problem does not lie elsewhere. If you don't eliminate that possibility, you may be doomed to experience the same song, second verse with the next employee.

Managers often think that employees don't do what they are supposed to do because they don't want to, don't care or are incompetent. That would lead to the conclusion that the manager must terminate the employee or settle for poor performance. However, in his bestseller *Why Employees Don't Do What They're Supposed to Do and What to Do About It*, Ferdinand Fournies points out that managers sometimes unwittingly create situations that cause the poor performance they complain about. What if getting better performance from your employee were as simple as changing your own behavior or restructuring something in the office? Would it be worth it?

Begin by determining the answers to the questions in this article. You should not assume that you know the answers, but rather, make inquiries of the employee designed to elicit evidence of the answers. For purpose of illustration, I may use some simple examples involving administrative staff, but the same principles apply to more difficult and complex performance and to lawyers as employees.

Does the employee really know what you want? Often managers give vague instructions that leave out a lot of details, perhaps because the manager has not taken the time to think through the

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processors and dual core 64-bit processors once again making the answer to the question “What computer should I buy?” more difficult to answer. The following are some considerations that might help.

First, here is a very basic explanation of how the new processors differ from their immediate predecessors. Pentium processors and the competing products from AMD are 32 bit processors. That means that they receive and process 32 bits of data per each clock cycle. As the speed of the processor goes up the speed with which the computing processes are performed goes up proportionately because more calculations are performed per unit of time. However, there are limits to how fast processors can be made to run. Heat is one major problem. As processor speed increases, so does the heat generated. Another limitation is the size of the chip. The smaller the processor chip the less distance the data has to travel and the faster it can be processed. For various reasons processor chips are about as small as they can get with current technology. However, if the data bus is increased from 32 to 64 bits, the speed with which computing functions can be performed theoretically doubles without increasing the clock speed because the processor now works with twice as much data at one time.. For a more pointy-headed explanation of 32 vs. 64 bit processors, see <http://en.wikipedia.org/wiki/64-bit>.

Dual core processors actually contain two processors on one chip. The processors work together to share the processing load. Dual processor motherboards have been around for a while. Dual core chips are a cheaper and more efficient dual processor solution. The advantage is that more computing functions can be performed with lower clock speeds thereby avoiding the heat problem and other hurdles associated with higher clock speeds.

To tap the full potential of the 64 bit processor, software must be designed to take advantage of the chips ability to process data in 64 bit chunks. As has been the case since the inception of the PC, processors have evolved faster than software has been developed to take optimal advantage of them. While Microsoft has released a 64 bit version of Windows XP, there are very few applications designed to utilize the 64 bit architecture. But, the processor and operating system are backward compatible with 32 bit applications. Tests show that the new processors run the old applications as fast as or faster than their immediate 32 bit predecessors so there 's no performance downside in purchasing a 64 bit machine ahead of the curve.

Dual core processors offer an immediate performance increase simply because two processor cores can do more in less time than one. These machines are fast with applications or tasks that are processor intensive such as graphics, games, multimedia and large data bases. Basically, if an application requires the computer to sit and “think” for long periods of time with little disk activity, a dual core processor will show an immediate improvement. The speed increase will be even more pronounced after 64 bit software becomes more widely available. The new iMacs from Apple feature Intel dual core

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processors with an operating system and native software designed to take full advantage of the architecture. These machines are blazing fast.

Given the choice between the current generation of computers with 32 bit processors and the new 64 bit single or dual core models what should you buy if you're in the market for a new computer? The most important consideration is still “What will the computer be used for?”

Most of the machines in my office are used for word processing and running the workstation application of my case management software. Right now and probably for at least the next couple of years there is no 64 bit version of Microsoft Word or Amicus Attorney. Even after these applications become available in a 64-bit version the 32 bit version will continue to do the job for some time. These applications simply don't require a lot of processor power. I recently purchased another ‘low end’ Dell computer with an Intel Celeron processor for use as a workstation. This relatively slow computer is more than adequate for that purpose.

I also recently purchased a Compaq laptop with an AMD 64 bit processor. I got this computer, not because of the 64 bit architecture, but because it was otherwise a good buy. Although this unit is as fast as its 32 bit competitors with similar clock speeds, it came loaded with the Windows XP Home Edition

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operation system rather than the 64 bit version of XP. Accordingly, it is still relegated to 32 bit operation for most of its computing functions. This illustrates my point. Without software capable of taking advantage of their full capability 64 bit processors are “dumbed down” basically to the level of their 32 bit predecessors.

If increased processor speed is what you crave, the dual core chips will deliver that immediately as long as the operating system will handle multiple processors. Windows XP Professional with the appropriate updates and hot fixes will handle the dual core processors as will the XP 64 bit version of XP. Windows Server 2000 and Server 2003 will operate with dual processor servers albeit recognizing them as two and one processors respectively in counting them against the maximum number of processors supported. The processor itself and the operating system handle the task of allocating computer functions between the two cores so the computer overall performs faster.

If I were in the market for a server or a computer to be used as a server for my case management system I would consider paying the extra price of a dual core processor. The system I have works fine but a processor speed increase would be noticeable. Also, the video editing I do requires a great deal of processor time. The increased processor capability would be welcomed there. Otherwise, a dual core processor would be overkill for me. As prices come down, as they inevitably will for new technology I will either purchase or build a new computer with a dual core processor for video editing.

To summarize, the average 32-bit machine is still more than adequate for most applications in a law office but the 64-bit machines are the coming thing. If it's otherwise a good deal I wouldn't hesitate to buy one of the 64-bit units now. They aren't much more than the comparable 32 bit models. However there simply isn't any 64 bit software currently available for my needs. I will eventually replace my computers with 64-bit models but the total cost of buying a computer bundled with software is less than buying the computer and software separately so I'll wait for the software to come available before making a wholesale changeover. I'll probably build or buy a dual core processor computer in the near term for video editing and will eventually replace my server with one.

However, if you want the best, newest, fastest computer available the dual core models are the way to go. Also, for the first time, the Mac has really started to catch my eye. I'll write more about that later.

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Law Practice Management Update

Law Practice Management continues to offer State Bar members a wide variety of CLE programs designed to assist them with every day practice management issues. Many of these programs are now offered online via webcasts and our online library.

In addition to these online courses, we still offer live programs throughout the state. We will once again be offering practice management programs in conjunction with most of TexasBarCLE's advanced courses. These courses will soon have dates and speakers attached to them, so be sure to check our website periodically for those updates.

We are also offering educational opportunities to your legal support staff. March 29, 2006, our program **Legal Support Staff Training** will take place on the campus of McLennan Community College in Waco. We will continue to offer this training throughout the state and will soon be adding some more dates and locations.

There are some other really exciting programs being planned as you read this, so keep your eyes open for them. In the meantime, if you should have any suggestions for upcoming programs, let us know because member feedback helps shape our programs. Feel free to call us at 800-204-2222, ext. 1300 or email us at lomp@texasbar.com

Law Office Software Training
Hands-On Software & Technology Training for Attorneys and Support Staff

Sponsored by
The Law Practice Management Program – State Bar of Texas
&
The Northeast Texas Small Business Development Center

Location: Bill J. Priest Institute / SBDC
1402 Corinth St.
Dallas, Texas

April 8, 2006	Enhancing Your Client Accountability with Time & Billing Tools (Timeslips)
May 6, 2006	Managing Your Case & Clients' Files with TimeMatters

For more information, visit www.TexasBarLPM.com, and click on “Seminars”

Kickstart To a More Productive Staff (Part II of III)

Nickie Freedman

In Part I of this series, we discussed creating a high performing staff and what it entails – building an atmosphere of employee empowerment. And what constitutes employee empowerment? I believe it comes down to three basic principles:

Encourage an Ownership Attitude (*featured in Part I*)
Coaching Management Style (*featured in Part II*)
Freedom to Fail

Part II talked about the coaching management style and included an idea for kickstarting it in the attorney/assistant relationship.

Freedom to Fail

Many people believe that failure is “not an option” or that only losers fail. I believe very differently.

How can you fail if you never tried something new and a little beyond your reach? From what I understand, trying new ideas and going a little beyond your normal effort (even just 10%) is how great things get accomplished. Is failure possible if everything is done “the way we’ve always done it”? Of course not.

What happens if someone on the staff tries something new and it fails? Is staff punished, looked down upon, marked as a ‘loser’, the subject of gossip, made to feel intimidated? Wow, that’s certainly incentive to have an ownership attitude and to follow the coaching manager’s advice, isn’t it? I think not.

If a firm wants a proactive, forward-thinking, innovative staff, they must allow the staff to fail without long-term negative consequences. Everyone should be given a chance to grow beyond their limit. Other staff will be aware of the trust engendered in that action, and the firm will be respected for that trust. If a pattern emerges that the person is over their head, then certainly they should be reined in and re-evaluated. However, one failure is not a pattern.

But what if it’s a *spectacular* failure and the firm loses a client or revenue due to the failure? If that happens, the staff person was probably not coached or supervised properly. As Shakespeare wrote, “...The fault, dear Brutus, is not in our stars, but in ourselves...” (*Julius Caesar*, Act I, Scene II). Proper supervision and knowledge of the proposed innovation should prevent that dreaded result.

How do we give permission to fail? A few ideas:

Separate staff evaluations from salary review by 6 months.

Staff evaluations are an excellent tool for performance issues and should be used as such. However, many times, staff is not aware of issues until that time and don’t consider it fair that their salary is affected by it. Give them a chance for improvement AND failure without their potential raise being on the line. Keep staff evaluation and salary review times separate.

Let them know that failure is an option.

Being allowed to fail is paramount on knowing that it’s okay to do so. Let them know that trying to stretch beyond their normal limit is the key to personal and professional growth.

Explain your thought process.

We all need a guide to try something new – that also applies to innovation. Let staff know the path that true effort, forethought, research, and a focused plan is the correct path.

Remove negative consequences for failure resulting from proper effort.

If the correct path is followed and failure still results, it should be used as a lesson and not as punishment. Ask that person for their analysis, thought process, and steps taken. Go over it with them at every step and help them realize why the failure happened. Taking a little time on these steps results in well-trained staff thinking analytically and a few steps ahead of the game.

What type of proactive, innovative thinking should be allowed? That’s up to each individual or firm. However, I want to share an email I received after a presentation:

“I wanted to thank you and Ms. Bradley for your efforts to deliver useful information and, more importantly, to inspire us to new heights. It is working! We are currently updating our computer file systems, are about halfway through creating a new client file with an emphasis on getting all of the necessary information up front and I am continuing my efforts to get things standardized around here with new gusto. Thank you both so much for the kick start.”

Is this the type of productive staff that everyone dreams of for their firm? I’d bet yes on that one. She became a productive staff person because she was kickstarted by the new attitudes and ideas, understood and started practicing the ownership attitude, and took coaching from others in management to make sure her ideas were put into practice. But most of all, she stretched beyond what she had done for years because she was given the freedom to fail.

I encourage everyone to embrace her innovation by empowering their employees using the basic three steps we’ve talked about in this series.

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issue herself. Do you really know what you want? When I was a baby lawyer, a partner sent me back to the library again and again to research the *res judicata* issues on a case, but he still wasn't satisfied with my product. Finally, I divined that he *meant* collateral estoppel. Have you made clear the desired result that you want? If you are particular about *how* the desired outcome is achieved, have you described the specifics of the process? Is the performance measurement clear? For example, if you tell the receptionist to answer all calls promptly, does he know what you mean by "promptly?" Does that mean as soon as he finishes talking to the current caller? Does it mean on the first ring or by the fourth ring?

Does the employee know how to do it? If not, is there training, CLE, a book, a video, a form or another learning resource available? Continuing with our example, if the phone rings while the employee is talking to another caller, are you sure he knows how you want him to handle that? We lawyers seem particularly inclined to expect employees to already know what to do, or to learn by the sink or swim method. Perhaps that's because many of us got tossed into the deep end without floaties in our first few years out of law school. Before you doom yet another person to learn by the trial and error method, however, think about what their learning errors and insecurities may cost you. The time and money you invest in training pays off with higher quality work product, greater efficiency and client satisfaction. Did you know that the Texas Bar CLE program has a low cost training program for paralegals and law office staff? The next one occurs on March 29, 2006 in Waco. For more information, go to www.TexasBarCLE.com or [this link](#). The Law Practice Management Program has a video library and other resources to help you, as well.

Does the employee know why it is important? If you want the phone answered by the second ring, explain how that helps to foster an image of responsive service to clients, which gives the firm a competitive edge. Without explanation, it may appear to be an arbitrary, unreasonable and unnecessary requirement. When employees don't understand the reason for something, they may assume it is not important and skimp on performance. Knowing how their role is important to the client and to their co-workers can give them pride in their work and a sense of being an essential member of the team. (If you don't view them and treat them as essential team members, why were they hired?)

Does the employee have all the tools he needs to do the job well? This can be a sore spot for law firms. Every year our budget for technology and equipment swells even larger. Equipment, however, is cheaper than manpower, and up to date equipment (and the requisite training to use it) allows us to get more done, or do a better job, with fewer people. For a simple example, if you can't read the messages taken by your receptionist, does he have a good headset so that he can have his hands free to type the messages? Does he have the ability to give the caller the option to leave voicemail? Is your office using outdated software or computers that lack the RAM or processing speed to run today's programs well? Ask your employees whether there are additional tools that would help them do a better job. You may be surprised at how they have been "making do."

Is there anything in the environment impeding peak performance from the employee? Some people are distracted by a noisy environment or have difficulty dealing with interruptions. Some get headaches or can't see well in fluorescent lights. Some are too short to reach high shelves, or can't bend over easily to reach low ones. Often desk chairs are not ergonomically suited to the sitter, causing bodily discomforts. Some lawyers use their speaker phone a lot and the person in the next office hears everything they say all day. Some people don't get along well with the person seated next to them. In our example, if the copier is near the phone, perhaps the receptionist has trouble hearing the callers. Just ask.

Can the job be restructured to better fit the strengths of the employee? Do you have the right people in the right jobs? If you have a brilliant strategist whose work looks sloppy due to typos, can she be teamed up with someone with an eye for detail? If someone has a tendency to chat too much, perhaps he would be perfect using those social skills in a client relations or recruiting position. Are you asking someone who would prefer to work alone doing research and analysis to play a role that requires frequent interaction with others, while someone who loves teamwork feels isolated stuck in front of a computer all day?

In short, before terminating a poorly performing employee, consider trying to save the investment you have in them by substituting curiosity and questions for your assumptions. These are the easy questions. Next month we'll take a more in-depth look at how your own behavior may cause the performance problems you experience.

Debra Bruce (www.lawyer-coach.com) practiced law for 18 years, before becoming a professionally trained Executive Coach for lawyers. She is a member of the Law Practice Management Committee of the State Bar of Texas, and the co-founder of Houston Coaching Network, the Houston Chapter of the International Coach Federation.

Law Practice Management Tip

This week's tip is provided by Paul Murrillo of Business Software Made Easy (512-451-9720). The tips are not meant as legal advice, nor binding on the State Bar of Texas.

Here's a tip for those of you that sometimes create a spreadsheet with a row of months across the top. Rather than typing every month into each cell, you can use the Fill Series feature. Here's how:

1. Place the Cursor into the cell you want to the series of Months to start (Ex. Cell A1)
2. Type in 'January'
-Notice the black box at the lower right-hand side of the cell (or at least it is a little darker around the corner)
3. Place the Cursor over that black box until it turns into a solid cross '+'
4. Drag to the next cell B1
-It is automatically filled-in with February

That's it!
This also works with abbreviations (Jan, Mon, etc.)

Upcoming Events

Legal Support Staff Training will take place live in Waco on March 29, 2006. To register, call 800-204-2222, ext. 1574 or visit <http://www.texasbarcle.com/CLE/AABuy1.asp?sProductType=EV&IID=6102>

Law Office Software Training – Enhancing Your Client Accountability with Time & Billing Tools will take place live in Dallas on April 8, 2006. For more information or to register, call 800-204-2222, ext. 1300.

How to Organize and Manage Your Elder Law Practice is scheduled for video replay in Houston on April 19, 2006. To register, call 800-204-2222, ext. 1574 or visit <http://www.texasbarcle.com/CLE/AABuy1.asp?sProductType=EV&IID=5897>

Law Office Software Training – Managing Your Case and Clients' Files with TimeMatters will take place live in Dallas on May 6, 2006. For more information or to register, call 800-204-2222, ext. 1300.

Law Practice Management Special Offers

Books of the Month

Women-at-Law – Lessons Learned Along the Pathway to Success

Retail - \$49.95

Sale Price - \$34.95

How do women lawyers define success in today's world? Is it becoming a powerful partner in a large high-profile global firm? Running a thriving solo practice? Earning a challenging public appointment or tenure as a law school professor? Or is success simply being able to simultaneously practice law and have a satisfying personal life? Is it possible to "have it all" —and indeed, just what is "all"?

How to Get and Keep Good Clients

Retail - \$99.00

Sale Price – \$69.30

Best-selling author and acknowledged marketing ace Jay Foonberg gives time-proven tips and techniques that you can use for long-range and immediate marketing success. Foonberg encourages you to experiment with different marketing approaches so you develop your own winning style. Included: "Foonberg's Favorite 51 Rules of Good Client Relations for the Busy Lawyer." "How Turning Down my First Case Led to 19 Cases." "How to Handle People Who Hate Lawyers or the Legal System." "Fee Allocation Formulas to Encourage Marketing." "Cost-Effective Classified Newspaper Advertising," and much, much more!

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New Law Practice Management Webcasts

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Using Technology to Your Best Advantage will be webcast on May 10, 2006. To register, visit: <http://www.texasbarcle.com/CLE/AABuy1.asp?sProductType=EV&IID=6124>