
THE PRACTICE MANAGER

A NEWSLETTER PROVIDED BY THE LAW PRACTICE MANAGEMENT PROGRAM OF THE STATE BAR OF TEXAS
WEEK OF August 14, 2006

Legal Support Staff Training – September 14, 2006

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The Technology Roundup

Gerry Morris, J.D.

A Bluetooth Headset for Your Office Phone



I spend an awful lot of time on the phone. During just about every call I need to write something down, type a note, or otherwise use my hands for something other than holding the telephone receiver. My natural impulse had been to cradle the receiver between my shoulder and the side of my head. But, the fatigue and neck aches caused by this contortion motivated me to find another way to free my hands while using the phone.

Most phone systems now come with a standard 2.5mm headset jack. My Panasonic wireless handset is no exception. I tried using a standard wired headset but was always getting up from my desk with it on and dragging my phone off the desk. By far

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The Coach's Corner

Debra Bruce, J.D.

Does Lawyer-Speak Create Workplace Dysfunction?



Dan told the group what he thought was the appropriate course of action to take. No one voiced any opposition, so he took steps to set the plan into motion. Later he was surprised to get feedback that Karen thought he was controlling and railroaded the group into doing things his way. Dan felt dumbfounded and frustrated. If Karen had another idea, why didn't she speak up in the first place?

Have you ever been in Dan's shoes? Or do you identify with Karen's perspective, acquiescing to someone else's way of doing things when you don't really want to? The problem may be as much a matter of conversational styles as substantive disagreement, according to Deborah Tannen, Ph.D., bestselling author and linguistics professor at Georgetown University.

In her book *Talking from 9 to 5: How Women's and Men's Conversational Styles Affect Who Gets Heard, Who Gets Credit, and What Gets Done at Work*, Tannen points out that many people expect ideas to be explored through verbal opposition. "When presenting their own ideas, they state them in the most certain and absolute form they can and wait to see if they are challenged," says Tannen. "Their thinking is that if there are weaknesses, someone will point them out, and by trying to argue against those objections they will find out how their ideas hold up."

I would suggest a corollary to Tannen's observation. Sometimes people merely state their preferences in a clear and direct manner to get the discussion started. They may be opening the negotiations or brainstorming. They may not intend to insist on their way as the only way. They are expecting to hear other opinions.

Law firms tend to have a culture that encourages verbal opposition. Perhaps it comes from our adversarial training. Perhaps the law attracts people who already prefer an oppositional style. Nevertheless, not everyone uses or understands that style.

Some people take challenges or disagreements personally. For them

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the better solution, in my opinion, is a wireless headset.

There are several wireless headsets on the market made especially for desktop phones. However, after some experimentation I decided to go with a setup actually intended for cell phones without built in Bluetooth capability. I use a Bluetooth transmitter unit that plugs into the headphone jack of my handset. It's the Jabra A210 Bluetooth adapter. A description and specs can be found at www.jabra.com. The adapter can be paired with any Bluetooth earpiece. This means that you can use the same type of lightweight Bluetooth earpiece with your office phone that you use with your cell phone. I use the Jabra BT250 earpiece, a behind the ear unit. The transmitter and receiver can be easily purchased on Ebay for under \$100 total. If you want to pay retail, it will cost you about \$175 for the pair.

Initially the transmitter and headset must be paired by following the included instructions. This procedure simply sets both units to the same operation channel so that they can communicate with each other. After pairing, when the receiver of the desktop phone is lifted either to place or answer a call the Bluetooth earpiece is automatically activated. So, to answer a call, I simply lift the handset (or press the talk button on my portable handset) and I immediately hear the call in my Bluetooth earpiece. I carry on the conversation just as I do when I use my Bluetooth earpiece with my cell phone. When I place a call, I lift the receiver or press the talk button and I hear the dial tone in the earpiece. I place the call and talk. My hands are free to write or type and I can get up and walk around my office as long as I stay within about thirty feet of my handset.

The difference in the way I feel after a day of talking through my Bluetooth earpiece versus squeezing the handset between my shoulder and ear is dramatic. This simple setup is extremely important to my overall comfort during the work day. The comfort and convenience of the Bluetooth setup is worth the minor irritation of occasional technical difficulties. The A210 goes into its dormant battery saving mode after it has been idle for some time. Occasionally, after a dormant period, the unit will no longer transfer the handset signal to the earpiece without pressing the answer button on the earpiece a few times or turning the transmitter on and off. I haven't figured out how to eliminate this problem but it's not significant enough to outweigh the benefits.

The transmitter and earpiece each come with AC chargers and a charge will easily carry me through a day's worth of conversations. I place the earpiece back in its charger when I'm not in the office and the transmitter will actually function with its charger connected. The transmitter has three different settings that regulate the sensitivity of the unit. You should experiment to determine which setting yields the best results.

The sound quality is not quite as good as holding the handset up to your mouth but it is far better than a speakerphone. The party on the other end hears slightly more background noise

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PLEASE NOTE THAT ALL TEXT IN “RED” OR “BLUE” FONT ARE ACTIVE WEBLINKS. SIMPLY CLICK ON THE COLORED-TEXT TO BE TAKEN TO CORRESPONDING PAGE

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when I use my Bluetooth earpiece. This may be a function of the model of earpiece I use. You might try out a couple to see which one gives you the best result.

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Legal Support Staff Training Series

Legal Support Staff Technology Training - Live
Corpus Christi – September 14, 2006

Your Support Staff can greatly benefit from this popular live training program. Topics such as timekeeping, billing, communication issues, business writing basics and file management will be discussed. Seating is limited – register your staff now!
<http://www.texasbarcle.com/CLE/AABuy1.asp?sProductType=EV&IID=6469>

Legal Support Staff Workflow and File Management Training – Live
El Paso – November 2, 2006

This installment of the popular Legal Support Staff Training Series will address issues related to workflow management and records / file management.
<http://www.texasbarcle.com/CLE/AABuy1.asp?sProductType=EV&IID=6491>

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

it feels like an attack or criticism. Instead of honing and clarifying their thinking, it clouds their mind with emotion and makes them doubt what they know. They do not function at their best, and the organization loses the benefit of their experience, knowledge and perspective.

When such people disagree, they may fear that controverting a forthrightly stated proposal will damage the ability to work together effectively. So they keep mum, but store resentment. Even lawyers who are quite comfortable testing opposing counsel may shy away from an "argument" with a co-worker or from challenging the boss. Staff, who have not received training in adversarial skills, may go completely mute and keep some essential information to themselves, rather than face off with a lawyer who loves a good verbal tussle.

If you are having miscommunications or difficult relationships in your law practice, what can you do? In some firms the unspoken reaction is, "Those wimps just need to get a thicker skin and speak up if they want to be heard." Tannen might say that is half right. She reports: "There is no one best way. Any style of speaking will work just fine in some situations *with those who share the style*. The most common culprit is style differences." (Emphasis added.)

Since you can't ask everyone you deal with to read this article and adapt to your style, you may need to develop some alternate behavior strategies. Here are my recommendations.

1. Be willing and able to flex to another style.
2. Notice the impact you are having on the persons with whom you are communicating.
3. If you are not certain you are having your intended impact, then
 - a. request input,
 - b. state your positive intentions,
 - c. reveal your expectations, or
 - d. check out your assumptions.

After reading this article, to be more effective next time, Dan could state his position and actually request push-back. He could say, "These are some of my thoughts on the issue, but I want to hear yours, especially if they differ from mine." Another approach would be to state his expectations and check out his assumptions. "My expectation is that we will help hone each other's ideas. Since I'm not hearing any refinements or other suggestions, I'm assuming you really like this idea. Is that right?"

For her part, Karen could offer input by saying, "Are you open to some additional perspectives on that?" Another way to have input without encouraging oppositional behavior might sound like this: "That sounds like it might work. I want to make sure we don't miss out on any good opportunities, however. Would you be ok with brainstorming *all* the ideas we can think of before we evaluate our options?"

Some of you may be thinking, "Why should we do all this

dancing around? It takes too long and requires too much effort." Because no man is an island. Because too heads are better than one. Because a stitch in time saves nine. And all those other reasons that are so true that they have become cliché.

You may find other approaches that work for you. Please share with me your experience as you try flexing your communication style for increased effectiveness. Or... give me your push-back on the thoughts I have expressed here.

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 Update

As summer winds down, we look to the coming season of autumn and a full schedule as we continue to update our website and schedule more programs.

We are continually adding new content to our website – www.TexasBarLPM.com. We added several new programs to the online classroom recently. Most of these new programs are from our monthly series of webcasts. In addition to these programs, be sure to check out our Legal Software Directory, found on the website, as we are continually adding new listings and discounts on various software.

We also have a number of programs scheduled for the fall season that will appeal to attorney and support staff alike. We have scheduled a day-long program for solos and small-firm practitioners in Austin on October 27, 2006. This is an annual event co-sponsored by the Austin Bar Association's Solo and Small Firm Section. Check the website periodically for more details. We are also lining up a number of new dates and locations for our Legal Support Staff Training Series. Please check our website periodically for information on these upcoming programs.

Invest In Your People & They'll Invest In You: Professional & Personal Development Never Ends

Nickie Freedman, PHR

According to a leading business professor, turnover can cost companies an average of an employee's entire yearly salary. And what's the cause of high turnover? The lack of emotional intelligence each person possesses.¹ Ask a group of experts what defines emotional intelligence and you will get a variety of answers, ranging from motivating and inspirational to ambitious and inquisitive. Yet a steady stream of research over the past decade has consistently identified emotional intelligence as a much more powerful predictor of professional success than IQ or expertise.

Emotionally intelligent people maintain accountability and are committed to ethical business practices while they increase a company's profits. To be an emotionally intelligent person is to make smart decisions, both for a business and for society.

As a professional consultant and trainer of both hard and soft skills, I've worked with many human resource professionals and legal administrators who understand the importance of investing in their staff. They know that a lot of workplace problems can be alleviated through emotional intelligence, knowledge of new skills and understanding behaviors, and genuinely want to help their staff grow both professionally and personally. They also realize that a benefit such as training also helps the staff realize their true importance in the firm: staff sees that the firm is not just 'talking the talk' and paying lip service to them, but follows through and actually invests money in them. It not only increases their significance to the firm, but also builds their self-esteem and respect for the partners because they feel valued. And firms with staff with this type of high emotional intelligence are proven to have much lower turnover rates.

Soft Issues Have Hard Consequences™

Many firms send their staff to hard skills training (computer training, process efficiency, etc.), but prioritize soft skill training (conflict management, personal development, teamwork building, etc.) for attorneys. On the contrary, staff actually is in just as much need for training on those important soft issues (dealing with emotional intelligence) as attorneys.

Many times, attorneys and administrators have been through many soft skills courses in college or during management training and take courses via the firm, whereas a lot of the administrative staff actually needs it more. Why? Because they usually haven't had training and are dealing with others who are usually in the same boat – they lack the proper emotional intelligence to make smart decisions. They interact on a daily basis, and in a confined area, with others who are also frustrated by the same problems.

For instance, conflict management is sorely needed in most firms. The biggest problem I hear from administrators is workplace cliques, gossip, and other unprofessional attitudes. These problems seem to happen in firms primarily made up of women more than those with a lot of male employees. (I believe the

reason for that is that women are taught from childhood to be 'nice' and 'sweet' and end up manipulating or becoming passive-aggressive to express their unhappiness, anger or conflict with another person.)

The real truth is that conflict is inevitable when we work with others, whether it's personal or business issues. Unfortunately, many people have no idea how to deal with it and try ignoring it, bulldozing their way through it, or making everyone else wrong. However, conflict can actually be productive if it's handled appropriately and timely. Training can build understanding about what conflict really is, teach the difference between positive and negative conflict, determine the underlying problem, learn how to manage the conflict quickly, and build consensus in the workplace.

This type of soft skills training can have huge consequences in the life of the firm. Work can be tough enough without all the extra drama that different personalities can bring. Teaching your staff these types of soft skills can make them aware of inappropriate and ineffectual behavior, and give them the impetus for change. Many times people just aren't aware of how they're behaving or the negative consequences that can result from it.

But what about the budget?

So the administrator works with the trainer and comes up with a great curriculum that will really help the staff learn new skills and improve existing ones. She receives all the information and approaches the partners for their approval. What happens next? I wish I could say that the partners jump at the chance to invest in their staff and reap the rewards, but unfortunately, that's not always the case. Many times, management bemoans the fact that it would 'really like to release the funds for something this important, but it just isn't there.'

Nothing speaks louder than money – and staff knows when the firm undervalues them. The money saved by lower turnover rates because of proper emotional intelligence training is much more than this type of training usually costs. It's almost like the chicken-egg problem. Without the training, the turnover remains high, and the turnover remains high without the training.

What type of emotional intelligence training is appropriate? There are many kinds, but some come to mind: conflict management, teambuilding, professional and legal ethics, effective communication skills, professionalism, morale building, etc. You should check with training companies for resources and ideas.

Train to Retain

Staff is another facet on the image of the company, and training your staff can reap many rewards – better-equipped employees, higher emotional intelligence, less turnover rates, and a calmer workplace. Retaining well-developed employees is key for any successful business. Make your legal business the success it can be – train staff on issues that make a difference.

Nickie Freedman, PHR, owns Legally Large, a training and consulting firm specializing in the BUSINESS of practicing law. To receive her "Work Smarter" tips, contact her via www.LegallyLarge.com, Nickie@LegallyLarge.com or directly at 512.791.9644.

Upcoming Events

Managing Your Personal Injury Practice with Legal Technology is scheduled for video playback in Houston on August 22, 2006. For more information or to register, call 800-204-2222, ext. 1574 or visit

<http://www.texasbarcle.com/CLE/AABuy1.asp?sProductType=EV&IID=6238>

Perfecting Your Estate Planning and Probate Practice is scheduled for video replay in Dallas on August 29, 2006. For more information or to register, call 800-204-2222, ext. 1574 or visit

<http://www.texasbarcle.com/CLE/AABuy1.asp?sProductType=EV&IID=6182>

Legal Support Staff Training is scheduled live in Corpus Christi for September 14, 2007. For more information or to register, call 800-204-2222, ext. 1574 or visit

<http://www.texasbarcle.com/CLE/AABuy1.asp?sProductType=EV&IID=6469>

Perfecting Your Criminal Law Practice is scheduled for video playback in Austin September 26, 2006. For more information or to register, call 800-204-2222, ext. 1574 or visit

<http://www.texasbarcle.com/CLE/AABuy1.asp?sProductType=EV&IID=6276>

Perfecting Your Criminal Law Practice is scheduled for video playback in Houston October 10, 2006. For more information or to register, call 800-204-2222, ext. 1574 or visit

<http://www.texasbarcle.com/CLE/AABuy1.asp?sProductType=EV&IID=6277>

Managing Your Personal Injury Practice with Legal Technology is scheduled for video playback in Houston on October 10, 2006. For more information or to register, call 800-204-2222, ext. 1574 or visit

<http://www.texasbarcle.com/CLE/AABuy1.asp?sProductType=EV&IID=6239>

Building Your Practice will take place live in Austin on October 27, 2006. For more information or to register, call 800-204-2222, ext. 1574 or visit

<http://www.texasbarcle.com/CLE/AABuy1.asp?sProductType=EV&IID=6490>

Legal Support Staff Workflow and Records / File Management Training will take place live in El Paso on November 2, 2006. For more information or to register, call 800-204-2222, ext. 1574 or visit

<http://www.texasbarcle.com/CLE/AABuy1.asp?sProductType=EV&IID=6491>

Law Practice Management Special Offers

Books of the Month

How to Draft Bills Clients Rush to Pay

Retail - \$67.95

Sale Price - \$47.55

This is a step-by-step guide on drafting and formatting invoices that clients will fully understand, find reasonable, and be more likely to pay-on time and without complaint. Samples of effective bills are provided throughout to use as templates.

Topics also covered in the book include the importance of building the lawyer-client relationship, establishing fees, budgeting, keeping good records, and much more.

Marketing and Legal Ethics, Third Edition: The Boundaries of Promoting Legal Services

Retail - \$89.95

Sale Price - \$62.95

Noted legal marketing ethics authority Will Hornsby explains the universal responsibilities in legal services marketing and details the boundaries of legal advertising, solicitation, public relations, electronic marketing, and more. The ethics of various practice settings, such as multidisciplinary practices, ancillary businesses, and joint ventures, are also presented, along with an analysis of multi-jurisdictional practices.

**TO ORDER EITHER OF THESE PUBLICATIONS,
CALL 800-204-2222, EXT. 1300**

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.

There is a common problem to sending emails to Distribution Lists that many people encounter - In the process of sending the email, Outlook crashes or produces an error. There may be several reasons why this happens, but the one that is frequently the culprit is the number of contacts in the Distribution List.

Even though you may be able to add more than the limit to the List, Outlook puts a limit on the total number of contacts to whom you can send emails to in a Distribution list. The number is somewhere between 130-170. Keep this in mind when you are creating your Distribution List in Outlook.