THE PRACTICE MANAGER

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THE TECHNOLOGY ROUNDUP

Gerry Morris, J.D.

Paperless Office Revisited

On April 4, I participated in a Texas Bar webcast on the topic of the paperless office. Also participating were attorney, Ed Goldner of San Antonio, and Nancy Griffing, owner of The Griffing Network, a Houston based IT services firm. Ed's social security and personal injury firm has been paperless for several years as has my office. Nancy has assisted firms, from solos to international, in setting up the computer systems and providing the training to go paperless. Each of us spent about 40 minutes discussing our experience with setting up and operating paperless offices and answering questions forwarded to us via email from the webcast's attendees.

The number of attendees for the webcast and the volume of questions tell me that interest in the paperless office concept is growing. It was interesting to me that all three of us on the program were in agreement about what we considered to be among the most important considerations for setting up a paperless system. Although I've touched on most of the points in prior columns I think it would be helpful to repeat them for those of you about to make the transition to paperless.

"Paperless" in most law offices means that all documents generated by or received by the firm are stored in digital format, either as a graphic image, pdf file or in the native

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WEEK OF APRIL 13, 2007

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THE COACH'S CORNER

Debra Bruce, J.D.

10 Tips for Developing Associates into Rainmakers

Today most law firms, large and small, expect partners to bring in business. In determining whether an associate makes partner, the firm usually considers whether the associate has the capability to bring in business.

Some firms don't do a very good job of communicating this expectation to their young lawyers, however. In fact, some partners may actively discourage associates from spending time on business development activities, if that takes any time away from doing billable legal work. The firm then unrealistically expects a new partner to support himself with his own business like turning on a water faucet.

While firms that think longer-range may not begrudge the time an associate spends on client development, they don't all have a policy for reimbursing associates for business development expenses. Young lawyers still trying to pay off student loans are expected to pay for any marketing lunches or other outside activities, bar association and section dues, and community association dues. Asking associates to lay out their cash to benefit the firm they are not yet members of can have a significant tempering effect on their efforts. Finally, some savvy law firms actively support mid-level and senior associate efforts to develop clients by providing time and financial resources, but very few provide real guidance to young lawyers about how to market themselves.

If you want the associates in your firm to one day become contributing rainmakers, here are 10 things you can do to promote and encourage their rainmaking efforts:

1. Take an associate along on lunches and other events for business development purposes, especially if that

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The Law Practice Management Program of the State Bar of Texas

1414 Colorado, Suite 601
Austin, Texas 78701
800-204-2222, ext. 1300
www.TexasBarLPM.com

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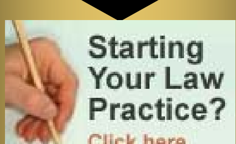
Orlando Lopez
Director
800-204-2222, ext. 1302
olopez@texasbar.com

Sandra Molina
Administrative Assistant
800-204-2222, ext. 1304
smolina@texasbar.com

Tina Weitz
Program Coordinator Assistant
800-204-2222, ext. 1303
tweitz@texasbar.com

click here for helpful peer-related resources available to aid you in starting your law practice



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lawyer does work for that client. Introduce the associate to clients and prospects whenever possible, and allow her to witness your business development style. Debrief with her afterwards to explain why you approached the client or prospect in the way you did.

2. Talk to associates about what your firm expects of them. Share with them your experience in successful business development, including how long you knew or courted your clients before first getting business from them.

3. Encourage associates to get involved in state and local bar association activities, and reimburse local and section dues if they actively participate on committees. Attorneys give referrals to people they recognize. Speaking at bar association events increases credibility and visibility, but those opportunities tend to go to the lawyers who work to support the section.

4. If an associate does the research for a speech you give or an article you publish, share the authorship credit. Invite the associate to attend the speech and publicly acknowledge him.

5. Suggest topics that an associate might write an article about or give a talk on for a community organization. She may not realize that she already has sufficient expertise to be an author or speaker. Provide her name to program chairs and editors as a potential contributor.

6. Encourage associates to maintain contacts with former classmates. Some of them will one day be the CEO, CFO or GC who makes or influences decisions about where to purchase legal services. They will have more trust in lawyers who valued the relationship with them *before* they gained such power.

7. Invest in business development training for senior associates and newer partners. The old maxim that "you can get business just by doing good work" doesn't hold true anymore. There is too much competition today. If training costs exceed your firm's budget, insist that your associates read about client development. One of the best books for lawyers is *Rainmaking Made Simple: What Every Professional Must Know* by Mark Maraia. I must disclose that I do follow-on coaching for Maraia's training programs, but my opinion preceded my work with the Maraia organization.

8. Ask your experienced associates to develop a 3-year marketing plan. Help them to see that business development requires sustained effort and delayed gratification, so they should start sooner rather than later.

9. Acknowledge the efforts your associates make, even before they result in new clients. Their business development activities make take years to really pay off, and they'll need your encouragement to persevere.

10. Track business development hours and provide some sort of associate bonus for successful efforts that bring in work fitting your firm's guidelines for new clients. People do what gets measured and rewarded.

The health of any law firm depends upon its ability to continually develop new business. The number of lawyers has more than doubled in the last few decades, significantly increasing competition. To keep ahead of the pack, good law firm management dictates grooming associates to become full financial contributors at their earliest opportunity.

Debra Bruce (www.lawyer-coach.com) practiced law for 18 years, before becoming a professionally trained Executive Coach for lawyers. She is Vice Chair of the Law Practice Management Committee of the State Bar of Texas, and board member and past leader of Houston Coaches Network, the Houston Chapter of the International Coach Federation. She welcomes your questions and comments at debra@lawyer-coach.com.

PLEASE NOTE THAT ALL TEXT IN "BLUE" FONTS ARE ACTIVE WEBLINKS. SIMPLY CLICK ON THE COLORED-TEXT TO BE TAKEN TO CORRESPONDING PAGE

Online Learning for Legal Staff Professionals!

Staff can make or break your law firm.

Ensure that your staff is provided with the tools needed to expand their knowledge, hone their practical skills, and increase their resources.

The State Bar of Texas Law Practice Management Program and Legally Large, LLC are working together to address the practical, legal-specific training support staff needs to do their tasks efficiently and effectively for the overall well-being of your firm.

In the past, the only support staff that usually attained formal training were paralegals. This doesn't make sense for today's highly competitive, technology-driven law practice.

In 2005 the Law Practice Management Program, in conjunction with Legally Large, LLC, offered one of the first bar association legal-specific curriculum for staff throughout Texas. The programs were well received, and the demand to expand content and locations increased. The online training is a direct result of the demand to reach a wider audience.

We're concentrating on the practical applications needed to run the business side of the law firm. Today's law firms depend more and more on well-trained legal staff to stay ahead in this competitive market, and our goal is to be on the forefront of those issues.

Online training is a valuable aid and resource for the whole firm – in providing tools for your firm's financial success, as a resource for employee empowerment, and in reaching partner goals.

Who should enroll in training?

- Every support staff person in a firm (from receptionist to administrator) should be trained on the basics of today's legal business challenges – legal ethics, communication, professionalism, legal-specific tasks, proper terminology, and industry-specific technology.
- Legal support staff interested in making their office more efficient and effective.
- Firms that want to "stop reinventing the wheel" and use proven processes and methods.
- Firms and staff interested in professional development, and in being a more productive member of the legal team.
- Staff interested in fulfilling their CLE certification (some courses NALA certified*).

How do we sign up?

The online training can be accessed through the Law Practice Management Program web site at:
http://www.360training.com/texasbar/

Buy 5 classes, get one ½ price. Buy 10 classes, get one class free. For bulk purchases (more than 25 individual courses), contact Nickie Hyde Freedman at nickie@legallylarge.com for information and pricing.

Legally Large
Training & Consulting in the BUSINESS of Practicing Law

**Some courses meet the requirements of the Certifying Board for Legal Assistants, of the National Association of Legal Assistants, for continuing legal assistant education credit required to maintain the CLA (Certified Legal Assistant) credential.*

Upcoming Events

Legal Support Staff Training is scheduled live in Waco April 25, 2007. For more information or to register, call 800-204-2222, ext. 1574 or visit:
http://www.texasbarcle.com/CLE/AABuy1.asp?sProductType=EV&lID=6946

Perfecting Your Elder Law Practice is scheduled for video replay in Austin May 3, 2007. For more information or to register, call 800-204-2222, ext. 1574 or visit:
http://www.texasbarcle.com/CLE/AABuy0.asp?sProductType=EV&lID=6791

Managing Client Funds with Billing Matters law practice software training is scheduled live in Dallas May 5, 2007. For more information or to register, call 800-204-2222, ext. 1574 or visit:
http://www.texasbarcle.com/CLE/AABuy1.asp?sProductType=EV&lID=6995

Planning to Conquer the Real World of Private Practice is a ½ day live program conducted at law schools for 3-L students and recently-licensed attorneys. This course is free to current law students. The price for licensed attorneys is $55. For more information or to register, call 800-204-2222, ext. 1518.

Date: April 14, 2007: South Texas School of Law (Houston)

Law Practice Management Webcast

Collecting Your Fee and Dealing with Fee Disputes is scheduled to take place live via webcast on May 1, 2007. For more information or to register, call 800-204-2222, ext. 1574 or visit:
http://www.texasbarcle.com/CLE/AABuy1.asp?sProductType=EV&lID=6987

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file type of the application used to generate it. Usually, but not always, a hard copy of the document is kept in a traditional file as a backup for use where the electronic documents are not accessible or where the original document must be preserved (i.e. deeds, wills and instruments of title). If the document is not generated by the law firm or received in digital format, it must be scanned and converted to digital format. This requires that a system be instituted within the law office to make sure that all incoming documents are promptly scanned, placed in the correct folder on the network file system, and correctly linked to the appropriate file in the case management software.

Critical Consideration Number One. Dedication to the System.

All the high-priced software and hardware money can buy won't make a paperless office work unless everyone who uses the system is dedicated to following the procedures necessary for it to function. That means that the person assigned the task of scanning the incoming documents must do so promptly and properly file and link the resulting electronic files. It's a task that cannot be delayed or done haphazardly. One of the main benefits of the paperless system is quick access to file information and documents. If the documents aren't scanned and linked you'll have to find them the old fashion way – walk around the office looking on desktops and in wire baskets until the one you need turns up. Documents generated in the firm likewise must be properly linked to the appropriate client matter in the case management system so that they can be quickly located.

Critical Consideration Number Two. Choose a Good Scanner.

For the input of documents into the system to work well it is important to choose a fast, reliable sheet feed scanner. Otherwise, it will simply take too much time to scan incoming documents. Both speed and reliability are important. A scanner rated at 50 pages per minute isn't worth much if it jams every 5 copies and requires the attention of the operator to clear. Ed Goldner and I both use Fujitsu scanners. I use the 620C model and Ed uses a newer model. We have both had the same experience with our respective machines. They are virtually jam proof. My scanners produce black and white images at about 20 pages per minute which is plenty fast for the work load in my office. Nancy recommended the Xerox Documate line. They also are very reliable and fast. Some Fujitsu and Xerox models are capable of two sided scanning, a feature that may be worth the money if you frequently received documents with information on both sides.

Critical Consideration Number Three. Place the Scanner in a Convenient Place.

If the person scanning the documents has to walk across the office to use the scanner, he or she will be less likely to keep caught up. There are a lot of things to do in a law office. Especially in small offices, support staff likely performs several functions. If the person tasked with scanning has to stop and walk across the room to answer the telephone, it's less likely that the document input will be done on a timely basis. It's simple ergonomics.

Critical Consideration Number Four. Choose Case Management Software that Meets Your Needs.

There are several case management applications out there. The two most prominent are Lexis Nexis' Time Matters and Gavel and Gown Software's Amicus Attorney. Ed and I both use Amicus. We chose it because of the simple graphical user interface that makes it intuitive to use. Time Matters is more feature rich and has the resources of Lexis Nexis behind it. Amicus has sputtered recently with a couple of new versions that didn't measure up. They have just released version 7.1, an update of their major revision, 7.0.

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Initial reviews of 7.1 are positive and Amicus appears to be back on track. Nancy installed Time Matters for the clinical program I co-teach at the University of Texas Law School. We chose Time Matters for that application because it is available in a version that can be accessed over the Internet via a browser. We've found it to be a great product but a little less user friendly than Amicus. Feature for feature though, it is a more versatile program.

Before setting up your paperless system, spend some time researching the different programs. Talk to lawyers who use the ones you're considering and get their input. Also, you might consider hiring someone like Nancy to help you make the choice.

Critical Consideration Number Four. Choose The Right Hardware.

Once you've chosen a case management application, make sure that you purchase computer hardware that is powerful enough to run correctly. Look at the hardware requirements provided by the software manufacturer. The published minimum hardware requirements should be strictly observed. There is usually a higher level of performance listed under "recommended" in the hardware requirements. I suggest following those recommendations. It makes sense to buy a system that will handle future upgrades at least for a few years. If you have an existing system that you would rather keep, the hardware requirements may be a significant factor in deciding which software to buy. For instance Amicus requires a more substantial system than Time Matters. Neither requires supercomputers, however.

Critical Consideration Number Five. Have an Effective Backup Routine.

Hard drives and other computer components fail. If all your critical data is on a computer hard drive you must have a backup that can be restored efficiently to a new computer. An effective backup routine involves a locally stored backup and a backup stored offsite. In my office I use a three tiered strategy. Firstly, I have a RAID array that creates the same data on two drives simultaneously. If one drives fails, the other one continues to function. If the failed drive is the one that the computer boots from, I can simply switch the drive cables and the computer boots up from the good drive. I can then replace the bad drive and re-sync the drives to again make them mirror images of each other.

Secondly, I have an external hard drive connected to my computer via USB. My Maxtor One Touch drive is recognized by my server as an additional physical drive. I use the simple backup program native to my server software to daily back up my server to the external drive. In the event of failure I can restore my system from the external drive.

Thirdly, I now back up my system offsite via the Internet. There are numerous data backup services available in the marketplace. I use IBackup Professional from www.Ibackup.com. Nancy suggests Abacus Backup. Iron Mountain has an Internet Backup product. All these service provide you with a client application that is installed on your server. The client application is user configured to back up selected files by sending them in encrypted form to an offsite storage facility. If my building burns, I will be able to restore my data by downloading the backup set over the Internet. The first backup takes a while since it will be a full backup all the selected files. It took my system about 24 hours to initially complete the task over a DSL connection. Subsequent backups are incremental which means that only the files not previously back up are added to storage. These backups take a couple of hours and are scheduled for the middle of the night. The monthly cost of this service depends on the amount of storage space required. I pay about 40 dollars a month for 15 GB.

There are other ways of storing backup sets off site such as rotating two external hard drives and alternately taking one and then the other home each night. I tried making backups on DVDs about twice a week and taking them home. I found that I couldn't keep up the routine. Consequently, I recently switched to the Internet service.

Critical Consideration Number Six. Have Good Anti Virus Software Installed.

A virus can ruin your data in a hurry. Unfortunately, there are a lot of them out there. Each computer in your office should be protected. Norton and McAfee are the two most popular products. Each can be purchased over the web. One strategy that Ed suggested during our webcast was to purchase enterprise versions of anti virus software that allows an administrator to configure the software for all the computers. Conversely, the individual computer users are not able to disable any of the features on their machines. This allows the system administrator to ensure that the entire system remains protected.

I hope these suggestions help you as you set up your system. I'll continue to write about the topic in the future. I'm also happy to answer you email questions.

E. G. "Gerry" Morris is a solo practitioner and has practiced law for over 28 years in Austin, Texas. He is certified as a Criminal Law Specialist by the Texas Board of Legal Specialization. His firm web site is at www.egmlaw.com. Email your comments and questions to Gerry at tech@egmlaw.com .