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A NEWSLETTER PROVIDED BY THE LAW PRACTICE MANAGEMENT PROGRAM OF THE STATE BAR OF TEXAS

THE TECHNOLOGY ROUNDUP

Gerry Morris, J.D.

Reducing the Scanning Workload Ideas and a New Device

The bottleneck for the paperless or reduced paper office is the conversion of paper documents to digital format. Someone has to scan the documents, save them to the correct folders on the computer hard drive and properly link them to a file in the case management software. Even with the best scanner the process is tedious and time consuming, especially in a practice with a high volume of incoming documents.



Some relief for the problem comes as more sources of incoming documents reduce their use of hard copy documents. As more and more courts accept electronic filing one major source of incoming hard copy documents will continue to diminish. Systems such as the mandatory ECF system used in the United States District Courts for the Western District of Texas deliver via email in Adobe pdf format to counsel for all parties documents filed with the clerk's office. In my office just a few mouse clicks sends those documents to the right folder on my server and links them to the correct case file in Amicus Attorney.

The civil bar is far ahead of the criminal bar in the use of electronic discovery. When I'm involved in a criminal matter that has a parallel civil proceeding I'm able to take advantage of electronic deposition transcripts,

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THE COACH'S CORNER

Debra Bruce, J.D.

The Unwritten Rules for Associates

When I was a young associate in a big law firm, I began to fear that there were unwritten rules to the game that everyone knew except me. Sometimes I wanted to cry out, "What are the rules? Just tell me what they are! I'll follow them!"



Gradually over the years I began to figure them out, one by one, often as the result of transgressing them. Sometimes I was fortunate enough to learn a rule by merely observing the consequences of a transgression by another associate. On rare occasions a more senior associate, or even a partner, would bless me by privately advising me about one of the rules.

Law firms really do want their associates to succeed, so why do they seem to hide the rules of the game? Here are my guesses at a few possible explanations:

1. By the time you get to high school, it is hard to remember what you didn't know in first grade. Sometimes something seems so obvious to partners, that it never occurs to them to point it out to the associates.

2. The rule is so patently unfair or illogical (or perhaps illegal) that it is embarrassing to admit it.

3. The rules are not actually the same for everyone, which creates some confusion when they are applied unevenly.

Here are a dozen of the unwritten rules I have observed in some law firms, described in an admittedly jaded way. Please share with me those you've observed that I failed to include.

1. **Turning down work from a partner will give you a black mark.** If the same partner has already filled

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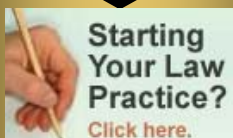
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your plate, remind him/her of what you already have to do and ask her to prioritize the workload. If a different partner is adding to your pile, you can tell him/her how delighted to work on the project you will be, and that based on your current commitments, you can get started on it in about three weeks. He'll probably take the project elsewhere. If you really *do* want to work on the new project, you can ask to conference in the first partner to discuss schedules and priorities, but there is a risk of igniting a turf war.

2. Learn as quickly as possible who the super stars are (whether partners or senior associates). Try to get work from them, and be sure to do an excellent job. Their opinions of you will carry more weight with the other partners, and they will also have the best projects with the most valuable experience. Even if you don't get to work with them often, this will give them an opportunity to form their own opinion about you.

3. About the only acceptable reason for not being available when requested is your commitment to other work. If you'll be unavailable because you're going to the school play or have front row tickets to the most important professional sports event of the season, just say your plate's too full or you're all booked up. Better to be mysterious than to confirm that you have a priority higher than work. Most associates have stories similar to the one told to me by an attorney who received a call from a partner while in the recovery room following surgery.

4. You can fail to make partner by misplacing a comma. When they say "just do good work and you'll be ok," they mean just do perfect work. Long gone are the school days where someone feeds you the answers and you just have to remember the correct ones to regurgitate. You are expected to figure most of it out yourself, and you'll be lucky if you get to watch someone else do it first. B+ is not an acceptable grade, and 97% is not an A.

5. Laughing in the halls can knock you off partnership track. It's a sign that you are not serious about your work. Someone who will never work with you may witness it, and form a nearly unshakeable opinion about you, which they will then share without remembering its genesis.

6. Don't believe the partner who tells

you "Don't worry about developing business. Just keep your billable hours up doing quality work." He probably just wants to get his projects done. Your perceived ability to generate business will be an important factor in the decision about whether to let you into the partnership. The moment you make partner, you will be expected to start generating business to sustain yourself. Your billable hours may drop as partners give work to associates that they used to give to you.

7. While many law firms today have alternative career tracks, in most, the only track that counts is the full out equity partnership track. If you choose an alternate track, be prepared to pay the price of diminished respect and lower quality work assignments that will stunt your professional growth.

8. Each firm has its own cultural definition of how commitment to the firm and its work should be demonstrated. In some firms, lawyers demonstrate their dedication by arriving early, in others by staying late. If your natural rhythm runs against the grain, you may be judged a slacker, regardless of the volume of paper you generate or the hours you bill.

9. Court your administrative assistant as your respected teammate and ally. An admin can protect your back or feed you to the wolves. For example, when I call lawyers in the morning, one admin might say "He hasn't made it in yet," while another says, "He must have stepped down the hall."

10. It's virtually impossible to make it up the ladder without a mentor of some sort. You need someone to show you the ropes, warn you about the hidden booby traps, funnel the kind of work to you that will make your experience valuable, and go to bat for you during bonus and partnership

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discussions. Most partners don't feel much obligation to mentor someone, even if they were formally assigned a protégé. If they do mentor someone, it is most likely to be informal and someone they see as like them—a Mini-Me. You must assertively seek out a mentor if you don't have one.

11. There is a good chance that you will take home less money as a first year partner than you did as a senior associate, so prepare your finances accordingly. You'll have to start making payments on your capital account buy-in, and you'll be responsible for self-employment tax (instead of having your employer pay half of your F.I.C.A.). You'll also have to make estimated quarterly tax payments on income that you may not actually receive until December.

12. Becoming partner is like graduating from middle school to high school. Just when you think you've made it and can stop to breathe, you discover that you're at the bottom of a whole new totem pole.

If you know any young associates, kindly leave this article on their desks in the dark of night. You won't have to admit whether you subscribe to the rules. Of course, the foregoing are the opinions and observations of the author (after coaching hundreds of law firm partners), and do not represent the opinions or policies of the State Bar of Texas.

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.

Upcoming Events

Managing Client Funds with Billing Matters law practice software training is scheduled live in Dallas May 19, 2007. For more information or to register, call 800-204-2222, ext. 1574 or visit:

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Disaster Preparedness is scheduled live in Houston May 31, 2007. For more information or to register, call 800-204-2222, ext. 1574 or visit:

<http://www.texasbarcle.com/CLE/AABuy0.asp?sProductType=EV&IID=7076>

Perfecting Your Estate Planning and Probate Practice is scheduled live in San Antonio June 5, 2007. For more information or to register, call 800-204-2222, ext. 1574 or visit:

<http://www.texasbarcle.com/CLE/AABuy0.asp?sProductType=EV&IID=7076>

Legal Support Staff Workflow and Record/File Management Training is scheduled live in San Antonio June 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=6996&Code=>

Managing Your Real Estate Law Practice in a Changing Market is scheduled live in San Antonio July 13, 2007. For more information or to register, call 800-204-2222, ext. 1574 or visit:

<http://www.texasbarcle.com/CLE/AABuy0.asp?sProductType=EV&IID=6996>

Disaster Preparedness is scheduled live in Dallas July 26, 2007. For more information or to register, call 800-204-2222, ext. 1574.

documents delivered on disk in pdf format and a lot of other sensible uses of electronic information technology. For whatever reasons, paperless systems have been slow to catch on in the realm of criminal law. The federal ECF system mentioned above is applicable to criminal cases but state jurisdictions have, for the most part, not gone paperless.

An exception is the Tarrant County District Attorney's Office and its innovative electronic discovery system. Defense attorneys are issued a small device that plugs into their office computers which functions as an electronic key allowing them to log on to the system. They are able to access documents relating to their cases over an Internet connection and download them to their computers. Personnel in the DA's office determine which documents to make available. The system saves a lot of valuable time by not requiring the DA's staff to meet face to face with defense attorneys to provide discovery documents and also save the time required for defense attorneys to leave their offices to go to the courthouse to obtain the documents. Another obvious benefit is that the documents don't have to be scanned in the defense attorney's office before they are stored on the computer hard drive.

It's worthwhile to analyze the volume of scanned documents in your office to try to get a handle on what types of hard copy documents are routinely received and whether there is a way to receive them in electronic format. For instance, it's becoming more commonplace that I receive letters on letterhead in pdf format sent as an email attachment rather than through the traditional mail. I encourage my computer savvy colleagues to correspond with me in that manner. Also, I find that sometimes if I just ask that a business or agency provide me with documents in electronic format they often are able to do so easier than sending me paper. They may be on a paperless system but assume that paper is still the preferred method of transmission of the documents to others.

A significant portion of the documents scanned in my office is simply my handwritten notes from client interviews, meetings, review of discovery documents and other instances where I'm not able to type my notes on my computer. The notes may consist of just a few lines on a single sheet of paper or may be an entire notepad. Each is important and must be saved and attached to the proper file. Hardly a day goes by that I don't generate some handwritten memo that I rip out of a notepad and hand to my staff who try to coax it through the scanner.

I considered purchasing a tablet PC to use for note taking so that the notes could be created in electronic format. But, because the only task I would use it for would be taking handwritten notes the roughly \$2,000 price tag for one of these machines didn't seem practical. To my relief and that of my staff I think I've found a better way to get those notes into my system in electronic format.

Books of the Month

The ABA Guide to Professional Managers in the Law Office

Retail - \$9.95

Sale Price - \$6.95

Hiring professional managers to handle administration of your law firm frees up your attorneys to do what they do best-practice law and develop new client relationships. It provides you with the leadership of a competent professional specifically trained to provide top-notch management services. The ABA Guide to Professional Managers in the Law Office is a "soup to nuts" guide on interviewing, hiring and training this essential member of your firm.

How to Build and Manage an Environmental Law Practice

Retail - \$54.95

Our Price - \$38.45

What specialized skills and knowledge should a lawyer have to succeed in environmental law? You'll find out in this helpful guide, the fourth in our "Practice-Building" Series. Through practical examples and explanations, this book reveals how you can gain environmental experience, understand the specialized business aspects of the environmental law practice, develop and maintain the ideal clientele mix, and much more, including the tactics, technology, and tools needed to run your practice for maximum efficiency and profitability.

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Adesso (www.adesso.com) makes a product called Cyberpad. Basically, it's an electronic device that looks like a letter-sized clipboard. A letter sized-notepad of the standard thickness (up to about 135 pages) is placed under its clasp and the user writes on it with a special pen that uses a conventional ball point filler to mark on the paper but also send a signal to the Cyberpad recording the pen strokes in memory. The device can then be plugged into a computer via a USB cable and the associated software starts and displays a screen containing a thumbnail image of each page of what was written on the notepad. The page images can be saved on the computer in a variety of formats including Adobe pdf. All the pages selected for conversion end up in the proper sequence in a single pdf document. In short, when I use the Cyberpad, I have an electronic version of what I've written that can be outside my office.

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Although I've just started using the Cyberpad I can see that it has great potential. It's very simple to use but will require me to develop a few habits to use it correctly. For instance, when I start writing on a new page on the notepad I have to remember to press a button on the Cyberpad to add a new blank electronic page. Otherwise I will write on top of what I have previously written. Also, I have to remember to turn it off when I'm not using it or the 20 hours or so of writing time possible with the four AAA batteries it uses will go by pretty fast.

But, those are small hurdles. The good thing about the product is that, at least so far, it works exactly like it is supposed to work. The 32 mb of memory should hold over a hundred pages of notes depending on the density of the writing. An SD card slot allows for expansion of the memory capacity. Up to twenty six directories can be created on the device (A—Z) with up to ninety-nine pages stored in each, memory permitting. My Ink, the basic software that displays the note files on the computer and converts them to your format of choice, is simple and easy to use. It also installs a plug-in on the menu bar of Microsoft Office products to provide a procedure for allowing forms created with the Office applications to be filled in manually on the Cyberpad and then be properly displayed in the application for saving or printing.

Adesso bundles several software programs with the Cyberpad that I'll never use, such as drawing programs and a handwriting recognition application that I have yet to figure out. Several of the user reviews about the product I've read have mentioned the Genius G-Note 7000 digital pad as being nearly identical to the Cyberpad but with less software. Cyberpad goes for about \$150 on the street while the G-Note 7000 is around \$20 cheaper.

The Cyberpad weighs a little over a pound and is not much bigger than a clipboard. It comes with a portfolio style carrying case that has room for business cards, a place for the pen, a pocket for extra batteries and a pocket for a PDA.

The pad can also be used as a digital touch pad when connected to your computer. Basically it can be used as a pointing device in place of the mouse. I'm not sure why anyone would want to use the device like this, however. For me its best use is to allow me to eliminate the need for scanning my notes at a price much less than a tablet PC.

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.

Law Practice Management Tip

Management Tips are provided by the State Bar of Texas and ABA Practice Management Advisors. The tips are not meant as legal advice, nor binding on the State Bar of Texas or the ABA.

When you are using PowerPoint in the slide show view, some people can become distracted by the cursor moving across the screen during the presentation. To circumvent this problem when you are using a remote mouse and you want to hide the pointer, once the Slide Show View is started, press the Ctrl-L key combination. This hides the pointer even if the mouse moves. If you need to display the pointer during the presentation, press the Ctrl-A key combination.

Did you know that by neglecting to thank your referral sources you may be missing out on potential business? Make a list of the people who have referred cases to you over the past year. Have you appropriately thanked each of them (e.g. a thank you phone call or note, lunch invitation, etc.)? Every one appreciates a handwritten thank you, and it lets them know you don't take their referrals for granted. A short, handwritten note takes only minutes to write, but leaves a lasting impression on recipients who appreciate the personal touch and your having taken the time to thank them. There is also a high likelihood that a sincere and timely "Thank You" will lead to more referrals.