

# THE PRACTICE MANAGER

## UPCOMING WEBCAST: THE ETHICS OF LAW FIRM BLOGS

SEPTEMBER 23, 2008 - VISIT

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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.

#### Flash Memory Devices Grow Up

Ten years ago, if I wanted to physically transport files from my office computer to my home computer, or to any other computer off my network, my options were somewhat limited. Assuming I either could not connect remotely to my office network or that I wanted to transport a lot of data so that remote transfer was impractical, I had to use either magnetic media such as floppy disks or Zip drives, or optical media such as compact disks or, later on, DVDs. The limited capacity of floppy disks made them unsuitable for large amounts of data not to mention the slow transfer rates. Zip drives held more data but required a compatible drive on both computers involved in the data transfer. Zip drives were popular but not universal. Rewritable CDs and DVDs also had drive and software compatibility issues. Not all packet writing software used the same format. Files could be burned permanently to a disk so that it could be universally read, but it was impractical to burn a complete new disk to again transfer the data after it had been altered.

A few years ago flash memory devices appeared on the consumer market for use with computers. The two most common configurations were flash memory cards (like those used in digital cameras) and USB flash memory drives. Like everything else having to do with computers, the first flash memory available was expensive and of low capacity. Flash memory first appeared in capacities

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### THE COACH'S CORNER

Debra Bruce, J.D.

#### Listening to the Voices of Experience

At Lawyer-Coach we get quite a number of calls and emails from attorneys starting a new law practice. Some are fresh out of law school. Some have been with a bigger firm, a corporation or the government. All appreciate the wisdom of lawyers who have been there before. Here's an opportunity to hear from some small firm lawyers who are willing to share the benefit of their experience.



#### Getting advice from more experienced lawyers

Angela Nickel, a Seguin attorney who handles real estate and construction matters, including litigation, says, "Don't be afraid to ask other lawyers for help....I developed relationships with other lawyers in town and simply asked for guidance, forms and the occasional game of devil's advocate. Not only did I get the support I needed, but I developed some truly wonderful friendships. With 18 years under my belt now, I am eager to return the favor to other young lawyers in my community."

Martha James, an immigration lawyer in Dallas, agrees, "it is imperative that you keep in touch with other attorneys regularly, either through organizations or one-on-one. Attorneys are a great source of referrals, advice and support."

Stacey Langenbahn, a Colleyville lawyer who incorporates Collaborative Law and Cooperative Law techniques into her dispute resolution efforts, has several suggestions. She recommends asking an experienced lawyer to be a mentor and to co-counsel with you. She also suggests asking to "shadow" (follow around) another lawyer. That's part of how associates in bigger firms learn, and it can be available to enterprising solos, too. Finally, Langenbahn points out that you can direct your substantive and practice management questions to a lawyer's listserv or blog for advice.

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### Keep your expenses down

Ted Weiss was a partner in a Houston mega-firm before going out on his own to offer full-service dispute resolution as a mediator, arbitrator and litigator. He says, "As you begin, concentrate on minimizing your overhead consistent with presenting a professional image." Bigger firms can benefit from economy of scale that would not appear to be available to smaller firms. Weiss, however, suggests some ways to save on costs by subleasing from another law firm. That allows you to share expenses on items like a conference room, common area furniture, receptionist, administrative assistant, and office equipment. Some of the equipment expenses you share may include a telephone system, copier, fax machine, scanner and postage machine.

Weiss goes even further by suggesting that you use wireless technology as much as possible for telecommunications. He says, "Rather than three landlines (two for phone and a third for DSL and fax), use a wireless PDA for your phone, an air card for Internet service anywhere with your laptop, and Efax to receive faxes." His recommendations also provide a lot of flexibility and mobility. You can practice from almost anywhere, and if your office moves, you won't need to change any phone or fax numbers.

Nickel had some cost-saving suggestions for small town lawyers. She said, "I bought an old house downtown that was suitable for a home-office arrangement, yet with plenty of visibility. I hung out my shingle, turned the parlor into a professional-looking office, and learned to type and file like a seasoned legal secretary."

While keeping costs down is important, when you start hiring staff, Glynn Nance, a Houston business and tax transactional lawyer, counsels, "Don't try to save money on cheap support staff. You will create more problems for yourself."

### Biggest mistakes

Everyone learns on the job, and mistakes are part of the process. If you learn from others' mistakes, however, maybe you'll make fewer of them and hit your successful stride sooner. Erik Goodman, a criminal lawyer in Austin, says "I wish I had paid more attention to cultivating contacts with civil lawyers." He now knows their value as referral sources. Likewise, Weiss says his biggest mistake was to neglect networking and marketing when his workload was heavy. He says, "Even when your plate is full, make sure to continue business development activities that will help keep new business in the pipeline."

Debbie Welch, an Amarillo lawyer, cautions, "Be highly selective in who you represent." At her firm, they now only represent people whose company they enjoy. She says, "There are some people who are never going to be happy and you don't want that type of person for your client." James adds, "Don't take a client just because you need the work. Not all clients will pay you when they get your bill....It is important to discuss expectations immediately with clients, get realistic retainers, and keep a close watch on receivables."

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## UPCOMING EVENTS

**What Was I Thinking?**  
**Estate Planning and Probate Practice Management:**  
**Tips and the Top Ten Things to Avoid (Video)**

**September 16, 2008**  
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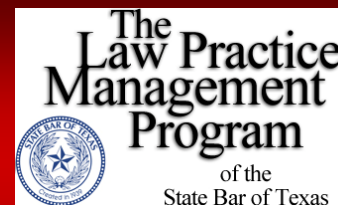
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<http://www.360training.com/texasbar/>

*Tech Roundup continued from page 1*

well under 1 GB. The early ones were 16MB or less. Just a very few years ago I remember seeing adds for the latest 256 MB USB flash drives touting a capacity equal to 175 floppy drives. Even at these initial capacities, the drives were a major advancement in the portability of data.

A USB flash drive is sometimes referred to as a “pen drive” or “thumb drive.” It is about the size of a child’s thumb and plugs into the USB drive of a computer. It contains flash memory. Without going into detail about how flash memory works, it generally stores data in a solid state memory chip much as data is stored on a hard drive. The data stays put in the chip even when the power is off. (If you really want to know how it works, see [www.howstuffworks.com/flash-memory.htm](http://www.howstuffworks.com/flash-memory.htm)). In fact, when you plug one into a computer running Windows XP or above, it recognized the device as another physical drive attached to the computer. So, if your hard drive is C: and your DVD drive is D:, the computer may recognize the plug and play thumb drive as E:. Data can be copied to the drive using Windows Explorer just like to any other attached drive. Unplug the device and plug it into another computer and a drive appears there. You can then read the data on the second computer.

Memory cards work the same way except both computers must have a compatible card slot. Most newer computers are equipped with memory card slots because most digital cameras store pictures on memory cards. The pictures can be easily transferred to the computer by inserting the card in the computer’s memory card slot. The memory card is recognized as a drive and the pictures can be copied to the computer. There are several configurations of memory cards, each requiring a card reader designed for that particular type of card. There are cards called CompactFlash (CF); Secure Digital (SD); Memory Sticks (MS); MultiMediaCard (MMC); SmartMedia (SM); and x-D Picture Card (xD). (Here’s what they look like. [www.steves-digicams.com/flash\\_memory.html](http://www.steves-digicams.com/flash_memory.html)). Although they will all store data files just like the flash memory drives, they are not as universally compatible as a USB drive. For instance, my work desktop computer has six card slots and will accept all the above. It’s one of two of my ten computers that will accept all types of cards. All of my computers and all computers I’ve seen on the market in the past five years with Windows operating systems have USB ports. However, the second generation of USB ports, version 2.0 and above, are much faster than the original version, 1.0. Drives made for version 2.0 and above are backwards compatible with earlier USB ports. The transfer rate will be considerably slower, though.

A lot of us have used USB flash memory drives for a while to move the occasional file from work to home or to carry a presentation for display on a computer in a client’s conference room. The drives with capacities of 256 MB and even less are certainly adequate for that purpose, but I never gave them much consideration for any other purpose until I ran into a colleague of mine the other day who had his entire practice in his shirt pocket on a memory card the size of an airmail stamp.

*See Technology Roundup on page 5*

## THE ETHICS OF LAW FIRM BLOGS

LIVE VIA WEBCAST!

SEPTEMBER 23, 2008  
12:30-1:30PM CST

Blogs have become a popular means of communication and idea exchange, which many attorneys are now starting to embrace as a way to share ideas and information with colleagues and clients, and in some cases as a way to attract new clients. The panel recruited for this webcast will discuss how an attorney can put together and maintain a blog, and will also explore the ethical issues and pitfalls of blogs.

SPEAKERS: TO BE ANNOUNCED

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Nance warns about a mistake his firm made. "Be careful of software programs that market themselves as a one-stop resource for accounting, file management and contact management. They will be good in one thing, but not in another."

### Good advice they received

Welch commends the advice she received to get board certified in her area of practice: estate planning and probate. She recommends that you represent clients in a few select areas of practice, and become an expert in those areas. "You cannot be everything to all people," declares Welch. Nance agrees. He says board certification gave him instant credibility with potential clients and referral sources.

He also received sage advice to take two or three people to lunch every week. "It's the best marketing tool a small firm lawyer has in his quiver of marketing arrows," he asserts.

### Making the move to a small firm

The switch to a small firm from a big bureaucratic corporate office or from a multi-office mega-firm can unsettle even seasoned lawyers. Paul Yale, a board certified oil and gas lawyer in Houston, says, "If you have spent a long period of time with the same employer (in my case, a big corporation for 27 years), you are probably overly risk averse and overly pessimistic about your chances of success outside the corporate womb....Don't underestimate how big a factor renewed passion for your job can be."

Laura Upchurch handles contested probate, trust and guardianship matters, as well as real estate and small business matters in Brenham. Based on her experience in moving from a large firm to a small one, she advises: "Recognize that you will no longer be a small cog in a large wheel – you will be a large cog in a small wheel. If any of those cogs does not mesh with the others, the firm's 'machinery' is not going to operate properly.... [M]ake sure, before you join the firm, that the goals, philosophy and style of your practice will be cohesive with those of the other attorneys in the office."

She suggests multiple interviews and meetings to get to know the other lawyers before making a move. Her firm reviewed writing samples and transcripts, and talked with colleagues at her former large firm. Now they also use personality assessments to help ensure a good fit. These precautions benefit both the firm and the prospective new lawyer.

James admonishes that it will be a mistake to think you can "just practice law" in a small firm. "You will be doing everything from marketing to billing to overseeing staff," she reminds. Many attorneys underestimate the amount of time they will spend managing staff and handling other administrative matters.

Upchurch also reminds small firm lawyers that everywhere you go, you represent your firm. "If you are one of only five attorneys, what you do and say before others will likely reflect more on your firm than if you are one of 500 attorneys."

### Find ways to keep your practice enjoyable

Finally, you've got to keep it fun. Overcoming daily challenges can be wearing, and many lawyers burn out. John Sloan, a plaintiff's personal injury lawyer in Longview, says, "The thing I learned that made my practice more successful and more enjoyable is to take advantage of the opportunity that we have as lawyers to get to know people from all walks of life. Not just to get to know them from the standpoint of their legal problem or their case, but to get to know them as individuals with interesting stories to tell, with hopes and with dreams. Seeing each client this way makes for a more enjoyable practice and there is no better advertisement than former clients that have become valued friends."

*Debra Bruce ([www.lawyer-coach.com](http://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](mailto:debra@lawyer-coach.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.*

*If you are starting a new practice, or you are not enjoying the type of cases you are presently getting, work on focusing, or re-focusing, your practice. This is particularly important for new lawyers, who run the risk of either being overwhelmed because they try to handle everything that comes in the door or are doing nothing because potential clients don't identify them with any particular area of the law.*

*Once you select a focus area, or two areas which will complement each other, do market research to determine whether that practice niche is already filled in your community. If not, begin to identify the clients you want. Define them by geographical area, gender, age, education, occupation, financial and marital status. Then determine where you can expect to find such people and the best methods to make them aware of your services. Review your state or provinces rules of professional conduct before designing your marketing efforts. Develop a marketing plan with qualitative standards, pursue it steadily, and review your results frequently.*

The card had a capacity of 16GB. To put that into some perspective, for the past five years I have been scanning virtually every document I've received or generated in my practice and saving them to the hard drive on my server. I have used less than 10GB of my hard disk capacity. I could load all my documents onto that card or a comparable USB flash memory drive and plug it into any computer with a compatible card slot or a USB drive. Or, I could back up all my data onto flash memory and keep it on my key chain.

My conversation with my colleague prompted me to check out the capacities of USB flash drives currently on the market. At Amazon.com I found a 32GB Corsair Flash Voyager USB drive for \$115.40. Smaller drives were proportionately cheaper. All the data on my server including the operating system would fit on this drive with half its capacity left over. It is much smaller than my thumb.

The Corsair drives are constructed to be virtually indestructible. (See [www.corsairmemory.com](http://www.corsairmemory.com) for details). The transfer speed is not as fast as a modern internal hard drives, but as fast as external USB hard drives. In fact, they are fast enough that programs can be run from them. Specially written programs can be transferred from computer to computer and run completely from the flash memory drive. (See [www.everythingusb.com/software.html](http://www.everythingusb.com/software.html)).

Of course, it would present a security problem if I lost the drive and it ended up in a curious person's hands. A simple solution is "on the fly" encryption software that encrypts data as it is copied to the flash memory drive. The data is password protected. Various encryption packages work in different ways when the drive is plugged into a computer other than the one from which the data was originally copied. For instance, Dekart Private Disk advertises that it resides on the USB drive so that it can be launched on any computer. ([www.dekart.com/products/encryption/private\\_disk/](http://www.dekart.com/products/encryption/private_disk/)). Other programs require that the encryption software be installed on the new host computer.

The capacity of flash memory drives will undoubtedly continue to increase as will their transfer speeds. Their usefulness for applications such as backup and even as boot devices will likewise increase. For the simple task of bringing files with me on a trip they sure beat a box of floppies.

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