FASTEN YOUR SEAT BELTS!

90 LAW PRACTICE MANAGEMENT TIPS IN 90 MINUTES!

READY...
SET...
GO!!

PRESENTERS:
Sharon Nelson • Dan Pinnington
Reid Trautz • David J. Bilinsky

ABA Annual Meeting
Today’s Tips Agenda

- Internet
- Security and privacy
- E-discovery
- Software and Gadgets
- Productivity
- Keyboard shortcuts
- Marketing
- Better client service
- Where to learn more
Build a Blog!

- No better way to market your services, make yourself distinct & bring people to your door!
- Build your reputation on-line!

Wines and Information Management (WIM)
How can one swim in the ever growing, overfilling pool of information that new technologies offer? Have a glass of wine!
Voice Recognition Software

- Dragon Naturally Speaking v. 10 (New!)
- Standard, Preferred or Professional
- Do dictation and navigate control menus or dialogue boxes
- grounded power supply, USB mic, switch box (telephone answering + VR)...and training
- Then watch the words appear..*s*
If Dragon’s *Naturally Speaking* Isn’t For You...

- IO Gear’s Mobile Digital Scribe
- Capture diagrams, notes and handwriting on any pad of paper directly to your PC
- Handwriting recognition software
- Don’t need a Tablet PC!
Gadgets And Tools

- Ready. Set. Charge!
- A new and easy way to charge your mobile devices.
Mom says “Clean Up Your Computer”

- Uninstall unused applications
- Try PCDecrapifer.com
- Use “System Tools” in Windows
- Try CCleaner utility
- Try a “Registry Cleaner” carefully
Incident Response Plans

- The dreaded data breach
- Do you know your state law?
- Your ethical obligations?
- What if you have HIPAA or SOX data?
- Review annually
- Incident response team
  - Management
  - Legal
  - IT
  - Records Management
Have a Disaster Recovery Plan in Place

- Don’t have to plan for an alien invasion
- Fire, floods, and server meltdowns
- These days, even terrorism
- Communications #1 problem as Katrina proved
- Hot and cold backups
- Dennis Kennedy’s add/subtract concept
- Review plan annually
Your One-Stop Travel Shop

- Searches all other travel sites
- You filter results to find what you want
- www.kayak.com
Get The Best Free Online Clipart

• Microsoft Office Online Clip Art and Media page
• Clip art, photos, animations and sounds
• Searchable by keyword topic
• office.microsoft.com/clipart
Google Analytics

Dashboard

735 visits came from 32 countries/territories
Go Paper-less

- Get a good scanner
  - Full duplex, sheet feeder, color, direct to PDF and OCR
- Adopt a folder & file naming convention (and stick to it)
- Adopt an e-document retention and destruction policy
- Adopt case management software and document management software
- Adopt desktop search
- Save all records to the e-file!
Research Tips And Strategies

- SearchEngineColossus.com
- Hundreds of diverse engines worldwide
Travel Tools for Busy Lawyers

[Images of logos for HotelChatter, SeatGuru, TripAdvisor, FlightStats, and Rental Car Momma]
Reduce or Diminish Print Advertising

- Newspaper circulation shrinking by roughly 2% a year
- Too many firms overspend on yellow page ads
- More than 60% of searches for lawyers begin online
- That number has increased every year
- Measure ROI
- Bring your dollars online!
Search Engine Optimization (SEO)

- You can’t fix a website that has no depth and breadth
- Critical factors:
  - Domain name
  - Title of site
  - Headers on home page
  - Language on home page
  - Hyperlinks on home page
  - MAJOR FACTOR: Number of inbound links (valid ones, not from “link farms”)
  - Don’t forget “alt tags”
  - Frequency of changes on site
  - Richness of content
Search Engine Optimization (SEO)

- Build for Google – no one else matters
- You don’t get to a #1 ranking overnight
- Search engine optimization companies can only do so much – and there’s a sizeable cost
- The algorithms change frequently
- Honest work over a period of time will pay off richly!
Instant Ad Hoc Virtual Meetings

- Share your desktop via a web browser with 1-20 other people
- Can look at other person’s computer too
- Also IM and document sharing
- www.gotomeeting.com
New Mail!

You have new mail!

OK
Turn Off New E-mail Pop-up And Beep

Go for fewer interruptions by:
- Turning off the pop-up
- Setting check for new messages to lower frequency
- Turning off the beep
Encrypt *all* Your Data!

- IT Security, Identity Theft and Privacy are key today
- Lawyer’s computers are *regularly* stolen or *lost*
- Most only have password protection
- Adopt whole-disk encryption
- PGP, Vista, Hardware encryption
KnowBrainer

- Adds 10,000 voice commands to Dragon’s *Naturally Speaking*
- Also tweaks your recognition rates
- $99
Discover Your Inner Self

- Home Genome Discovery Kit
  - Unlock the secrets of your DNA
  - Discover family ancestry
  - Preview health risks
Confirm Personal Information

Fast and free personal information aggregator
Finds photos, links to news articles, and information from such sites as LinkedIn
Use to find heirs, confirm resumes, etc.
Amazing AND scary!
Don’t Over-invest In Legal Directories

- They exist to make money
- Many of them give you phony baloney reporting
- How many clients are you seeing?
- Even the majors aren’t necessarily a great deal
- And the minors can mean paying a modest amount to get nothing at all
Legal Directories – Beware the Promises of Snake Oil Salesmen

- “I can put you at the top of the search engine rankings!”
- “Listing in our directory will make your revenues soar!”
- “Buy my marketing services and leave your future to me!”
Make Your Mouse More Sensitive.

- Smaller mouse/touchpad movement to cross desktop
- Start, Control Panel, Mouse icon, Motion tab
- Will take you time to adjust
The Most Annoying PowerPoints
The speaker read the slides to us
The speaker’s presentation largely consisted of long full sentences, in tedious detail.

Rather than bullet points that were:
- Crisp
- Tight
- Well-worded
Text so small I couldn't read it
Some examples....

LAWYERS ARE

WORST
Limited Partnership Reform

- Examples are the leading Ontario case of *Haughton Graphic Ltd. v. Zivot* (1986) O.J. No. 288; (1986), 33 B.L.R. 125. This case (in which the Ontario Supreme Court suggests that a director, officer or other controlling mind of a general partner may lose his, her or its limited liability protection as a limited partner) seems to be directly opposite to the result in the British Columbia case of *Nordile Holdings Ltd. v. Breckenridge* (1992) 66 B.C.L.R. (2d) 183 (B.C.C.A.) (in which the B.C. Court of Appeal focussed on their capacities, and held that officers and directors of the general partner would not lose their limited liability protection as limited partners). *Stillwater Forest Inc. v. Clearwater Forest Products Limited Partnership*, [2000] SKQB 571, took a middle ground and declared the issue of liability to be a question of fact to be decided on a case-by-case basis. These cases serve to emphasize the uncertainty and scope for litigation, and thus potential liability, on the part of investors in Ontario limited partnerships, whether through income trusts (in which the trustees of the trust owning the limited partnership units are also likely exposed to broader liability than they would expect) or directly by holding limited partnership units.
Internet Defamation – Jurisdiction to Enforce Orders

“Mr. Lopehandia is ordinarily resident in British Columbia, but there is no way to determine from where his postings originate. They could as easily be initiated in an Internet café in downtown Toronto or anywhere else in the world, as in his offices in Vancouver. Given the manner in which the Internet works, it is not possible to know whether the posting of one of Mr. Lopehandia's messages on one of the bulletin boards in question, or the receipt of that message by someone accessing the bulletin board, traveled by way of a server in Ontario to or from the message board. It may have, however. The highly transmissible nature of the tortious misconduct at issue here is a factor to be addressed in considering whether a permanent injunction should be granted. The courts are faced with a dilemma. On the one hand, they can throw up their collective hands in despair, taking the view that enforcement against such ephemeral transmissions around the world is ineffective, and concluding therefore that only the jurisdiction where the originator of the communication may happen to be found can enjoin the offending conduct. On the other hand, they can at least protect against the impugned conduct re-occurring in their own jurisdiction.” Barrick Gold Corp. v. Lopehandia, 2004 CanLII 12938 (ON C.A.) (emphasis added)
**Instructions:** We are authorized to act for the client[s] in this engagement on the instructions of or such other person as you advise us in writing is authorized to instruct us. **{Consider whether the person designated to provide instructions has a conflict given the subject of the engagement. If so, we can only agree to accept instructions from a conflicted person if (i) we have a fully informed direction to do so in the engagement confirmation from a senior authorized representative of the client not themselves subject to a conflict, and (ii) we are satisfied that the conflicted person from whom we are directed to take instructions can appropriately represent the interests of the client in the circumstances. Relevant factors to consider in relation to (i) and (ii) include: the nature of the conflict; the reasonably foreseeable risks of the conflict (which should be summarized in the engagement confirmation); and the sophistication of the client and of the senior authorized representative providing the direction.}**
SLIDES HARD TO SEE BECAUSE OF COLOR CHOICE
MOVING / FLYING TEXT OR GRAPHICS
ANNOYING USE OF SOUNDS
Overly complex diagrams or charts
Chartjunk!
FLOW
of ideas
FLOW

of ideas jumped around too much
FLOW

jumped around too much of ideas
FLOW

of ideas jumped around too much
of ideas

jumped around

too much
NO CLEAR PURPOSE TO THE PRESENTATION
Too many fonts used on each SLIDE and throughout the PRESENTATION
Graphic images that did not fit the topic of the slide
POOR QUALITY VIDEO OR AUDIO SEGMENT
200 slides

in 30 minutes
Border Searches & Seizures

- USA, Singapore and other countries can search laptops, PDA’s etc (and demand encryption keys) as a condition of entry
- Includes encrypted areas on the disk
- Seize laptops and PDAs
- Travel with a ‘clean’ laptop or device – remote access software only
Backup Your Blog & Website

- Blogs/websites often stored on 3rd party servers...what if they crashed?
- HTTrack Website Copier
- Quick & easy!
- Make a regular backup of your on-line intellectual property!
Email Etiquette

- Descriptive subject line is a must
- Use personal salutation
- It all counts
  - Spelling
  - Capital Letters
  - Punctuation
  - Grammar
  - NO ALL CAPS (unless you are YELLING)
The Horror of Auto-Complete!

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E-Discovery Blog: http://www.edi.com

ABA JOURNAL
Law News Now

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Did Lawyer’s E-Mail Goof Land $1B Settlement on NYT’s Front Page?

Updated: An outside lawyer for Eli Lilly & Co. apparently has two people named “Berenson” in her e-mail address book. One is a reporter for the New York Times and the other is her co-counsel assisting in confidential negotiations on a possible $1 billion settlement between the pharmaceutical company and the government.
Cease The Use of Illegal Software

- The Business Software Alliance
- $150,000 per copyright violation
- $80,000 average settlement
- Personal v. business use
- Keep all your licenses together
- Know the terms of your licenses
- Software audits rarely find compliant law firms
- Have a 3rd party audit you annually
**SimplyFile**

- The *best* tool I have found this year... 😊
- Intelligent filing assistant for Microsoft Outlook
- “Guesses” the folder that an email should go
- One click – and it is filed!
- Speeds up handling the email avalanche!
KEYBOARD SHORTCUTS
Print Without Your Mouse

- **Ctrl+P** - opens Print dialog
- **Up/Down Arrows** - increments the number of copies
- **Enter** - same as hitting OK
ALT + TAB

To switch from one program to another

• Hold down Alt, and
• Repeatedly hit Tab
Jumping and Selecting Text

- **Ctrl+left** or **right arrow** to jump one whole word
- **Ctrl+up** or **down arrows** to jump a paragraph at a time
- **Ctrl+Shift+right** or **left arrow** to both select and jump one whole word at a time
- **Ctrl+Shift+up/down arrows** to both select and jump a paragraph at a time
Essential Word Processing Shortcuts

- To turn on/off; or change selected text:
  - **Ctrl+B** = bold
  - **Ctrl+U** = underline
  - **Ctrl+I** = italics

- **Ctrl+A** = selects all text in a document
Don’t Do Any Of The 7 Things That Most Annoy Clients

- Not returning phone calls
- Not replying to e-mail messages
- Making clients wait in reception
- Long periods of apparent inactivity
- Not delivering on promises of performance
- Not delivering on a promised outcome
- Sending clients a large bill without warning or explanation
Send Bills by E-Mail!

- Ask your client who should receive your bills and email them directly to them!
- PDF or e-billing
- Find out their payment cycle and time the delivery appropriately.
- Speed up the payment cycle – don’t wait 30+ days for payment!
Files That Talk

- What do your files say about you?
- Suggested Standard:
  “My clients can come in at anytime and look through their files without their condition or contents embarrassing me.”
Headsets for Office Phones

- Hands free talking in your office
- Wired or Bluetooth enabled headsets
- Callers are less of a pain in the neck!
Don’t Leave Your Computers On At Night

- They need to clean up resources
- May have an exception for remote access, but then use password-protected screensavers
- Can you vouch for your cleaning people?
- The infamous Google robbery
Don’t E-mail Your Client at Work

- Most employers have a “no privacy on our network” policy
- Courts have gone both ways on this issue
- The attorney-client privilege has been lost on multiple occasions
- Some decisions are beginning to say that the privilege will remain if the employee has made a clear attempt to preserve privacy
Prepare an Elevator Speech

- Not a direct sales pitch
- Include introduction, showcase what you do
- 30-60 seconds
- Practice, hone and focus it
- Memorize it
“I am a family law lawyer”

vs...
“My name is Courtney Filer. I am a senior partner at Start Over and Associates law firm. I am certified by the Law Society of Upper Canada as a specialist in family law. I try to protect my client’s legal and property rights when their marriage breaks down; and I help them deal with the many issues that you typically find when marriages or relationships fail.”
Sit next to a stranger
Telecommute!

- Reduce your carbon footprint – work in your pajamas (or ...!)
- GoToMyPC, PCAnywhere and other software can allow you to work comfortably from home.
- Secure, encrypted, no data on local machine
- The coffee is better there, too...

1. **EASY Setup**
   - Download GoToMyPC. Setup is automatic and takes 2 minutes. Leave your PC on and connected to the Internet.

2. **UNIVERSAL Access**
   - Log in to www.gotomypc.com from any Internet connection in the world. Click Connect, and your PC desktop will appear in front of you.

3. **INSTANT Productivity**
   - Start working on your PC as if you were sitting in front of it – even if you're thousands of miles away.
Use Jott (www.jott.com)!

- Turn your cell phone into a digital note taker
- Memos are transcribed and emailed to you...for *free*
- BlackBerry, cell phone, iPhone

Jott converts your voice into emails, text messages, reminders, lists and appointments.
Six Tactics for Boosting Employee Morale

- Promote flexible work schedules
- Allow secure telecommuting
- Praise employees frequently and sincerely
- Try guerilla celebrations
- Provide meaningful job titles to everyone
- Provide personal business cards to everyone
Convenience as a Marketing Message

- Make your offices and services convenient for your intended market
  - Office location
  - Web-based intake forms
  - Retail hours
  - Free no-hassle parking
  - House calls
  - Collaboration technologies
TV and Radio – Cheaper Than You Might Think

- Radio: as low as $30 for 30 seconds
  - Who’s your target audience?
  - When do they listen?
  - What can you afford?
  - They will produce your ad!
  - Think weekends

- TV: as low as $6 for 30 seconds
  - Cox charge to produce: $1000
  - Know the demographics.
  - Pick your stations – and programs!
  - Think weekends
The Leading Edge of E-marketing: Podcasts

- Start a podcast – can be audio or video
- Podcast Station, around $50. Audacity is free, less feature rich
- USB headset/microphone for $50 or less
- Skype is most commonly used for two people or more, using remote location
- For multiple podcasters in same location, need a mixer and dynamic microphones
- Podcast music cheap
- Must keep producing podcasts for value
- Can list for free on iTunes and place on your website
- Helps with SEO
Author! Author! Start Writing Articles

- Bar associations always looking for articles (gain referrals)
- Publish on your own web site
- Submit articles for other online publications
  - http://ezinearticles.com
  - www.llrx.com
  - www.articleshell.com
  - http://askinglaw.com/article-submission
- Bloggers usually happy to link to relevant articles
What does your desk say about you?
What does your receptionist say about you and your practice?
Collaborate!

- Adobe Acrobat Connect, Prolaw's built-in extranet, SharePoint, ZOHO or GoogleDocs.
- Bring your clients into your work.
- Start working on files and projects directly with your clients in ways never-before possible.
- Clients love communication - these tools bring them right into the process!
E-newsletters & Constant Contact

- Maintain email lists, create a newsletter using a template, send it out, do an online survey etc.
- Constant Contact makes all of this *easy*.
- $15/month for lists up to 500 address, unlimited use.
Use Client Communication Policies

- **Telephone policies**
  - Returning phone calls
  - Protocols for leaving messages
  - Prevent paralegals from giving legal advice

- **E-mail policies**
  - Proper use of firm e-mail system
  - Maintaining confidentiality of client information
  - Ensuring receipt of e-mails
  - Checking spam filters
  - Spell-check out-bound e-mails
  - Using disclaimers to prevent inadvertent disclosure
  - Requiring clients to update their contact information
Relax – Plan Your Vacation Now
Consider Monitoring Your Employees

- Balance “Big Brother” vs. “Prudent Employer”
- Occasional monitoring?
- Monitoring triggered by circumstances?
- Enterprise solutions now available
  - P2Enterprise by Paraben
    - Start at around $20,000
  - For small firms, much less
    - SpectorSoft, $99 for one workstation
Training, Training, Training

- Did we mention training?
- Don’t throw $$$$ aware on hardware and software
- Training is an investment
- Productivity increases
- Competence/confidence increases
- Absolutely must train employees in “Safe Computing”
  - Virus, worms, trojans
  - Spyware
  - Peer to peer
  - Social engineering
What Goes Around Comes Around

- Use your client’s goods and services
  - Don’t ask for discount!
- Introduce clients to one another
- Send referrals to them
HOW TO AVOID A malpractice claim
Where are the greatest risks?
Don’t Manage by Email

- TALK to people
- “Management by Walking Around”
- Tone of emails is often misinterpreted
  - 80% interpret correctly when speaking face to face
  - 50% interpret correctly over email
Block Social Networking Sites

- Enormous time wasters (while at work)
- Get a firewall that can block websites, and then block sites like My Space, Match.com, AOL, etc.
- A list can be found at [www.wikipedia.com](http://www.wikipedia.com) – search for social network sites
Build a Business Plan...

- .... and a marketing plan, budget and technology plan.
- Be Strategic!
- Go after the work you *want* rather than the work you *get*.
- Use your technology, business savvy and smarts to your advantage!!
- (build a succession plan, too...)
Go Mobile!

- Get a tablet PC, an aircard and handwriting recognition software.
- Can check and return email, research and work unobtrusively (even in Court!)
The Disgusting Truth

- Study by Dr. Charles Gerba – microbiologist from University of Arizona found:
  - Desktop surface – 21,000 bacteria per sq. in.
  - Computer keyboard – 3,300 bacteria per sq. in.
  - Computer mouse – 1,700 bacteria per sq. in.
  - Toilet seat – 49 bacteria per sq. in.
Due Diligence and Competence with Your Spam Filters

- Whitelist court domains to get e-filing notices
- Whitelist other critical domains
- Check your spam folder
- Cannot blame ISPs
- Colorado firm sanctioned
- Required to pay for opposing counsel’s time
Read:

**Law Practice TODAY**

- *FREE* e-newsletter from the ABA LPM Section
- Profitable & practical articles every month
- All archived on the LPM website
- LawPracticeToday.org
Compose a Firm “Cookbook”

- One recipe at a time!
  - How to answer the phones
  - New client intake procedures
  - Opening/Closing the office
  - How the phone system works
  - Ordering office supplies
  - And so on, and so on…

- Documenting ensures that you are not held hostage!
Beware of Spear Phishing!

- Highly personalized, impeccable emails (proper grammar, spelling and graphics).
- *Look* like they are from legitimate organizations (government, banks, Better Business Bureau etc).
- Install logging software on your machine - and then capture SSN, account numbers, passwords etc.
Be Fraud Vigilant!

- Collection Fraud
- Retained to collect a debt
- Send demand letter
- Receive “certified funds”
- Client demands $ 
- Cheque is fraudulent – cleans out trust account
Specialized Travel Insurance

- [www.medjetassist.com](http://www.medjetassist.com)
- $225/individual, $350/family
- Hospitalized more than 150 miles from home?
- They’ll get in touch with your doctors
- Fly to hospital of your choice on private jet with medical staff
Are you a magnet for food/drink spills?
Survery Software

- Everyone loves a survey!
- Use them for…
  - Client service survey
  - Query regarding changes in practice
  - Needs assessment
- Great tool for collecting, organizing and ranking information
- Perseus.com or Surveymonkey.com are two common choices
Hiring 101—Best Practice Tip

“Hire for attitude, train for skill!”
Put a PIN on your cell phone
There is Only One Truly Safe Way to Terminate an Employee
Have An Employee Termination Policy

- No advance notice, especially for IT employees
- Kill their ID and remote access
- Forward their e-mail as necessary
- Make them sign statement that all firm property and data have been returned
- Acknowledgement that failure to do so would be a criminal act
- No access to computer after exit interview
- Pack their personal stuff or send someone with them
- Log activity in special circumstances
Backup, Backup, Backup!

- High performance, high-capacity drives make daily backups a breeze.
- Configure to backup the office securely at home via encrypted communication.
- Risks in using a 3rd party online backup service
  - Business failure, security concerns, encryption, business dispute
Just Say “Thank You”

- Do you ask new clients how they found you?
- Call or send a note of thanks to source of that client
Attend TECHSHOW 2009

- Premier Legal Technology Conference
- For beginners to advanced lawyers and law firms
- April 2-4, 2009 at the Chicago Hilton
SPANKING
Sometimes nothing else will do the job.
DEALING WITH THE DIFFICULT CLIENT
Why is the Difficult Client A Concern?

They are more likely to do three things that distress lawyers most:

- Not pay
- Complain to the Law Society
- Sue for negligence
TYPES OF DIFFICULT CLIENTS....
The Angry/Hostile Client
The vengeful/on a mission client
The over involved/obsessive client
The Dependant Client
Secretive/Deceitful/Dishonest
Mentally III
The Difficult Client With A Difficult Case
The client who is unwilling to accept/follow/believe any of his lawyer’s advice
Implement This Stuff!!

Best tips are those you put to work!
Resolve to make some changes
- Immediately
- 30 days
- 6 months

Focus on your Future!
Always Look on the Bright Side of Life...
QUESTIONS?

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