

Fall 2011

From the Chair

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Happy Bar Year!!

Somehow that doesn't have quite the same panache as a hearty *Happy New Year*, does it?

But, the fact is, each fall is the start of a new State Bar year. The State Bar's fiscal year begins on October 1 of each year. And—since this is the Section's first newsletter of the 2012 Bar year—I wanted to welcome you to what is going to be a busy and productive Bar year.

We have many "irons in the fire" right now. Just last July, the Section Council adopted a Strategic Plan designed to reshape the Section into a more relevant and useful resource for Michigan lawyers. The planning process began with focus groups and a Membership Survey. The resulting data was exceptionally valuable to the planning process. It allowed us to draft a very specific—action driven—document. The Plan is posted at the LPM & LA Section website. Go to www.michbar.org—from the column on the left, click on Sections. From the pull down menu on the Sections page, select the Law Practice Management & Legal Administrator Section and "go" there.

One of our planning goals was to create "smaller" volunteer opportunities. The focus groups and Survey responses told us that many members were unable to commit to large, involved, or long lasting volunteer situations. They were more available for smaller, more discreet responsibilities. The Strategic Plan offers several such opportunities.

I invite you to become involved in Section activities. I think you will find the Section's work interesting, worthwhile, and satisfying. Whether you prefer your volunteer activities in large or small chunks, the Section has many rewarding opportunities to "give back" to the profession. They range from larger matters like positions on the Council, other leadership opportunities and recognition, writing and speaking opportunities to smaller matters like soliciting and/or editing newsletter articles just three or four times a year.

It's a great new year—and something of a new beginning—for the Section. I'm looking forward to it. In addition to the Strategic Plan issues, we've also ramped up our efforts to involve more legal administrators in Section events and activities. More about that in the next Newsletter.

If you'd like to become involved, please call (313) 333-2129 or e-mail me at varomano@comcast.net.

I look forward to talking with you.



Vincent A. Romano, the chair of the Section is also the president of Attorney Services Marketing, Grosse Pointe Park, a full-service legal marketing company, which he founded in 1991. He is a 1975 graduate of the Detroit College of Law, where he served as editor in chief of the Law Review. His legal practice has included solo practice, as well as mid-sized and small firm experience, and his clients include solos and firms of all sizes. A former member of the State Bar of Michigan Representative Assembly, Mr. Romano is also an adjunct professor of law at Thomas Cooley Law School, where he teaches law office management.

Solo's Corner: Christmas Card Marketing By Timothy Dinan

Out of some sense of festive obligation you will somehow reach out to all of your clients and contacts in business wishing them the best for the holiday season with a tastefully decorated holiday that offends no one.

You make a list of clients, friends, and colleagues carefully addressing each envelope and making sure everyone in the office signs it. You mail it out and then the recipient opens the envelope and . . . well, ask yourself: what you do with all of those cards after January 1?

My question to you: *Is this the only contact you have with clients and former clients throughout the year?* It's your obligation to keep the relationship active and responsive if you want their business or referrals. Good clients must be cultivated like hot house flowers: **with attention and regular care.**

The secret to maintaining client contact and building client business is regular communication with them. It does not have to be billable or always about business. However, it should be regular.

A simple and inexpensive example of this is an e-mail newsletter. You can customize this for certain types of clients and target specific audiences. You may want to have a different e-mail blast for attorneys who are regular referral sources to your office or certain types of merchants who look to you for regular guidance and advice. Bi-monthly or quarterly is enough to be kept on the radar without being obnoxious or overbearing. If don't have the time, there are a large variety of services that can produce one for you though I like to see a personal touch on any office communication.

If you are not doing that yet, the end of the year is a great time to start. As your office slows down during the holidays, look back at the last twelve months and see who your new clients were, assess how the representation went and determine whether you would want to do business with them again in the future. If it was successful for you, then you need to nurture that relationship. It does not need to be elaborate or expensive. It just needs to be done. The same goes for clients with whom you did work more than a year ago, but you have not heard anything since the file was closed. Reach out somehow to keep that relationship active. If nothing else, start with your Christmas card list.

You do not have to be the person in the office who necessarily does this work. Other staff members can get your message and see it is properly presented.

I am not against Christmas/holiday cards. I just believe that you need to touch base with your clients more often to remind them that you are grateful for the work, you would like to get more from them, you are available to discuss new matters, and that you are always happy to accept referrals. Don't be the lawyer whose name is forgotten by the client even though you did a great job.



Timothy A. Dinan is a sole practitioner with offices in Grosse Pointe Park. He concentrates his practice in areas of criminal law, driver's license appeals, attorney grievance matters, bar examination appeals, and SBM character and fitness hearings. You can reach him at (313) 821-5904 or e-mail tim@timdinan.com.

I'm a Mac (and a Lawyer Too) By Joe Ernst

I recently had a court appearance before a former colleague and mentor of mine who is now a juvenile court attorney-referee. I had not yet received the most recent review summary on the case I was appearing for, and the Juvenile Court officer who was supposed to have sent it to me indicated that it was, in fact, e-mailed to me. Off the record, my former mentor stated (only half-jokingly), "It must be because you've got that toy and not a real professional-grade computer."¹

Even though the exchange was good-natured and mostly in jest, it did bring to my attention that there are still many who view Apple products as mere toys. Many do not view them as "professional grade" or at all suitable for attorneys. In the course of this particular conversation, it seemed clear that my former mentor truly believed that my "toy" wasn't even configured properly to receive e-mail from the court and that Macs had no business in the legal workplace. I thought to myself, "does anybody seriously believe that Macs are so unprofessional that they can't even receive e-mail?" And so the inspiration for this article was born.

An in-depth analysis of Apple products with tech specs, comparisons, and reviews is far beyond the scope (and allowable length) of this article, though I may certainly endeavor to compose articles of that nature in the future.² The frank purpose of the article is to dispel any lingering doubts about Apple's viability for use in the legal workplace, and to briefly share my experiences.

Anecdotally, I believe the perception of Apple's practicality in the legal workplace has improved dramatically over just the past few years. The type of feedback I received here is far less commonplace today than even three years ago when I went out and opened my own practice (with my toy as my office computer). I can only speculate that the now-famous "I'm a Mac" ad campaign that helped Apple return to prominence has had the negative effect of marginalizing Apple products in the minds of some, who have used PCs throughout their careers.

Personally, I've been using my Mac Book for three years now. It is small enough to fit nicely into my briefcase, and holds enough power to last an entire day when fully charged (just in case I happen to be in a courtroom without a convenient outlet). As I have endeavored to go as paperless as humanly possible, I have conducted full-day and multi-day jury trials using the Mac Book exclusively. My Court Rules and Rules of Evidence are fully digital, and always at my disposal. The entire library of SCAO forms is also available to me. As I do a lot of criminal defense, I always have the most recent version of the Michigan Sentencing Guidelines manual.

I have yet to experiment with any specialty legal apps or trial software, but have been successful using only the Microsoft Office suite (Word and PowerPoint, primarily). And as many courts now offer free wi-fi, the Internet is almost always readily accessible (this is especially great if you're like me, and too cheap to purchase a mobile data plan). Best of all, having my laptop with me at all times allows me to be productive³ even when I am in court on other matters. Waiting two or three hours to conduct a one-minute pretrial conference on the record is substantially less tedious when you can crank out a few billable hours as you wait.

In the three years I've had my Mac Book, the only complaint I've had is that I do occasionally receive e-discover items sent in a format that is not Mac compatible. I have, in every instance, been able to download some manner of free software that has allowed me to view what was sent to me. So this complaint is minor. And while a similar PC laptop could almost certainly perform the same functions that my Mac Book does, the greatest advantage that I see is that my Mac has never once frozen up, caught a virus, or had network difficulties of any sort. The PCs we used at the firm I was previously with (working with the mentor I mentioned above), could not boast the same. In fact, we routinely had to have expensive maintenance performed just to keep us going.

So while I am not here to sell anyone on the idea of switching over to a Mac, I did want to point out that there should be no stigma left about using Apples in the legal workplace. They make fine work computers and I have had a very positive experience since making the switch.

By the way, I didn't receive the e-mail mentioned above because it was sent to the wrong address. That'll teach 'em to hate on the Mac!

1. The "toy" in question is my Apple Mac Book Pro, which also happens to be my mobile office.

2. Assuming there are future articles . . . let's see if I survive my first effort here
3. Of course, it often allows me to be counterproductive as well, as my discipline is sometimes lacking. Curse you Addictinggames.com!!



Joe Ernst is a Thomas M. Cooley graduate who operates his own general practice law firm in Holt. He is the current treasurer of the Law Practice Management & Legal Administrators Section and a deputy tech editor for the newsletter. He can be contacted with any questions or suggestions at (517) 268-0056 or josepheernst@yahoo.com. He also closed out a very modest position in Apple stock earlier this year, and wasn't sure if an S.E.C. disclosure statement was necessary, but didn't want to tempt fate.

▶ Techies . . . We Want to Hear From You!

The Law Practice Management & Legal Administrators section wants to provide valuable services to its members. We also want to be cool! We can accomplish both goals at the same time, but need your input and feedback. So please send us your ideas for tech topics you'd like us to explore and discuss in future articles.

▶ Coach's Playbook: "Personal Brands and Lawyers" By Elizabeth Jolliffe, Your Benchmark Coach

Until I facilitated and spoke about branding at two different lawyer events recently, I was not convinced the word "brand" was a relevant concept for lawyers. I did not even think it worked very well for law firms. While the word reputation seemed more accessible, brand seemed a very amorphous concept that marketing consultants push, with law firms re-branding by changing their logo, colors, tag line, and web design, and individual lawyers branding by picking a niche or creating a tagline. Preparing for the discussions, however, persuaded me that the concept of a "brand" has relevance and value for lawyers.

"Brand" and "branding" have hundreds of different definitions. It is easiest for me to think of a brand as "the essence or promise of what will be delivered or experienced."

Consistent Experiences and Expectations.

Lawyers should have a personal brand in the sense that you should figure out what the consistent experiences and expectations are that people have with you as a lawyer and what you want them to be. Ideally you want them aligned. If they are not aligned, you should keep working on your client services and results until they do match the standards you set for yourself.

Lawyers do not need to have a personal brand as a lawyer in the sense of something you need to describe to someone else. You don't have to be able to tell someone "this is my brand identity." It is not a question people ask each other.

For example, Nike does not say action, athleticism, performance, excellence, and success are its brand. But those are words that capture the essence of Nike athletic apparel and the image that Nike conveys in its marketing. By making sure that its products live up to this image, Nike maintains its brand and the consumer knows what he or she will receive every single time he or she purchases a Nike product.

What Words or Phrases Capture Your Essence as a Lawyer?

Like Nike, Apple, McDonald's, Visa, Facebook, etc., you should reflect on what words capture the essence of you as a lawyer and the consistent experience you want people to have with you as their lawyer. Those words will not necessarily appear in your tagline, your elevator speech, your website bio, your LinkedIn profile, introductions when you speak, or author notes when you write an article. But the self-reflection will better focus you on your strengths and core values as a lawyer, the services you offer, your reputation, image, style, your real interests, and your fit with your best clients. You will

have more clarity on who you are as a lawyer and the consistent experience you provide for your clients.

The Most Compelling You.

With brand clarity you can create a more compelling website or website biography instead of content with the same buzz phrases as every other law firm website. You can rework your self-introduction or elevator speech to sound more like you. You will develop more referral sources. You can write a better personal business plan for 2012 or speak more confidently and directly during your next evaluation.

The clarity and focus will help because you will realize what you do well, what is important to you, how you connect with your clients and colleagues, why they keep coming back to you, and what makes you good at what you do.

After you figure out your brand, you do need to build brand awareness (to borrow that marketing phrase), which to me means increase your name recognition, raise your visibility, and become known by your target market and potential referral sources.

Results.

Getting focused and clear on your brand helps you attract more business, advance professionally, and have more control over your day, practice, and career. Regardless of whether you are in a law firm, a corporation, government, or elsewhere, or a new lawyer or an experienced one, identifying and enhancing your brand is time well spent.



Elizabeth Jolliffe is a certified career management and business development coach for lawyers. She practiced for 19 years as a business litigator and partner at Clark Hill PLC in Detroit. Elizabeth helps her clients take charge of their practice and career. She is the president of the Detroit Metropolitan Bar Association and chair-

elect of the Law Practice Management & Legal Administrators Section.

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State Bar of Michigan Practice Management Resource Center

The State Bar of Michigan is constantly working to improve the resources that are available to its members. State Bar President Julie Fershtman has established an Advisory Committee to the Practice Management Resource Center (PMRC). PMRC is a State Bar tool that helps lawyers, whether newly admitted or in practice for 30 years, manage the business side of their practice. PMRC has a depth of resources, including online articles, a lending library, consulting services, and checklists on topics related to the management of the practice of law. Topics covered include the use of technology for tasks such as calendaring, financial management, and also information on marketing, employee issues, record retention, disaster resources, and much, much more.

If you are unfamiliar with the PMRC, please find (make) the time to visit the [PMRC website](#). You will be pleased with all of the information and resources that the PMRC has to offer, many of which are available to you free of charge. The website is constantly being improved and updated, so it should be viewed on a regular basis.

Specific questions regarding practice management issues can be directed to the Practice Management Helpline (800) 341-9715, which is answered during business hours Monday through Friday.

The Advisory Committee seeks your feedback on the PMRC so that it may continue to improve this valuable resource. Please take a minute to notify the Advisory Committee Chair Rebecca Simkins, of your thoughts and impressions of PMRC. E-mail your comments to rsimkins@bsdd.com.

Rebecca Simkins is a member of Barris, Sott, Denn & Driker, PLLC. She also sits on the Character & Fitness Committee of the State Bar of Michigan for District H, and is the current chair of the recently established PMRC Advisory Committee. She practices in state and



federal courts and before various administrative agencies. A graduate of the Detroit College of Law (now Michigan State College of Law), Ms. Simkins has served as an adjunct professor at Cooley Law School and at Michigan State College of Law and as chair of the Law Practice Management and Legal Administrators Section of the State Bar of Michigan. She is a frequent lecturer on topics related to employment and labor law and related issues.