

**Reminder:
InnovAction Award
Entries Due
June 14**

Technology Developments That Will Change Your Practice

by *Ron Friedmann*

The over-hyping of technology leads to a natural reaction to discount its impact. That is a mistake. Broken promises notwithstanding, new technology continues to change law practice and business.

In the past, the challenge was just getting new technology to work. Today, the challenge is adopting new systems to improve business, practice management and client service. Adoption depends on culture, attitude, competition and management, not on the technology itself.

Law firm managers guiding their firms' futures should consider technology-enabled opportunities along three dimensions – communications, practice management and business management. Here is a top-level view of existing and emerging technologies that are likely to change the way we work.

Communications

Technology allows better internal and external collaboration and better information-sharing. Extranets have been used long enough to become a virtual requirement of doing business. Law firms need to consider other “channels” to reach clients and prospects.

The easiest “new” way to reach clients is to use web conferencing for real-time meetings that share an audio connection, screen and, sometimes, video. This is a standard tool in business. Will clients like webinars? Maybe. They are easy to set up and test, and the down side is minimal. They are certainly easier and cheaper to arrange than live seminars.

Blogs are another channel. Reaction to blogs is similar to the reaction to e-mail

updates about 10 years ago... “Horrors. It’s not done. The liability...” Having successfully lived through that suggests that adoption of blogs will happen soon enough.

Practice Management

Managing substantive practice information has become more complicated. Several vendors offer “matter centric” or “life cycle management” approaches. These warrant serious consideration, both as a way to integrate business process (e.g., opening new matters) with the work and to manage work product more effectively. Well-conceived systems include records

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Editor’s Corner

What roles do innovation and creativity play in our lives? From the most basic support systems in our firms, companies and homes, innovations in computers and electronics have changed our lives dramatically. Change depends on creative talent, often of a single person who can picture a different future.

These two themes influence this issue as well as our 2005 Annual Meeting program. We hope a new awareness of innovation will help you identify candidates for the InnovAction Awards. You’ll find a link to the criteria and nomination forms on the College’s Web site (click on “InnovAction Awards”). Don’t forget, the deadline for entries is June 14, with a \$50 entry-fee discount if received by June 8!

Thanks for reading,

Your COLPM newsletter team: **George Brandon** (george.brandon@thomson.com), **Bob Denney** (bob@robertdenney.com), **Roberta Montafia** (rmontafia@dbh.com), **Jan Waugh** (jwaugh@alanet.org) and **Mary Beth Pratt**, Editor (prattmb@pepperlaw.com).

The easiest “new” way to reach clients is to use web conferencing for real-time meetings that share an audio connection, screen and, sometimes, video.

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management rules (to declare certain items as official records) and knowledge management elements (to make it easier to find and re-use work product).

Business Management

Profits per partner – need we say more? A new crop of financial analysis tools from traditional and new accounting and software providers helps firms analyze and manage cash and profits. These tools – and the rigor they can bring – seem to be gaining traction in larger firms.

Separately, work force management bears watching. New tools are emerging that will allow law firms to match their resources (lawyers and other professionals) to client needs. American industry is marching toward “real time systems” that allow adjusting prices, manufacturing mix and inventory in response to current (by the minute) data. Since gas prices change daily (if not hourly), why can’t law firms adjust lawyer allocation as needed? Law firms need to adopt workforce management tools to manage their main productive asset – lawyer time.

Conclusion

Use of the technologies discussed (and many others) will be driven by business decisions; cost and tech issues are relatively minor considerations. Managers who do not consider the opportunities and delegate decisions that involve technology only to the “techies” shirk their duties. They have to get over lack of knowledge and unwillingness to grapple with the new. Today’s leaders must be able to guide a business discussion around how technology can help work smarter and improve profits.



[Fellow **Ron Friedmann** is the president of Prism Legal Consulting, which advises law firms on technology strategy and legal software companies on marketing

and strategy. A lawyer, Friedmann has held senior management positions at two large law firms and two legal software companies. Email: ron@prismlegal.com.]

In Remembrance

Edward R. Roberts, Honorary Fellow [Ed Roberts died December 15, 2004. This remembrance is taken from the eulogy given by John Martland, a partner with Bennett Jones LLP, Calgary, Alberta, at Ed’s memorial service. The full text of the eulogy is on the College’s Web site, www.colpm.org.]

Although with heavy hearts, we are here to give thanks for having known such a special man. Whether you called him Dad, Granddad, Ed, Mr. Roberts, Fast Eddie or Freddy Quickfinger, he left an indelible impression on all he met, as this packed church attests.

Ed was born in Calgary and joined the RCAF when he was old enough, becoming a Flying Officer and an instructor. After the war, he joined Peat Marwick and became a chartered accountant. He worked for a few years with Riley’s Reproductions, from which Mac Jones of the Nolan Chambers law firm recruited him.

He was one of Western Canada’s first law office managers and in 1986 he received a special distinction when he was designated a Fellow of the Institute of Chartered Accountants, in recognition of his work as a pioneer in law office management. Gordon Brown points out that Ed’s functions as chief accountant, office manager, financial officer, administrative head and manager of human resources are now nicely handled by a staff of 67.

Throughout his busy professional career Ed was also an extraordinary contributor

to the life of Calgary, first through the Kinsmen Club, of which he became president, then as a director of the Calgary Stampede. He always had a zest for show business, perhaps developed when he participated in the infamous 1948 Grey Cup train, which marked the start of the true national festival that the Grey Cup became (Calgary beat Ottawa 12 to 7 for the championship of the Canadian Football League).

His crowning achievement and greatest event came when he chaired the Ceremonies Committee for the 1988 Winter Olympics. He recruited outstanding professionals and loved working with them, as much as they did with him.

Through all these activities, Ed's exquisite sense of humour and the manner and style in which he carried out his varied activities, marked him apart. In speaking to so many of his old pals, the comments have centered on his humour, his decency, his people skills and his good will. With that ever present twinkle in his eye, you always felt he was on the verge of a quip or one of his well thought out queries: "Now Hugh, is it true that since you worked in the Premier's office, the credit for keeping him on the straight and narrow should go to you?" His mouth would quiver in anticipation of your response, always ready for a chuckle or a roar of laughter.

It is small wonder that Artie Johnson of "Laugh-in" became a great pal of Ed's. He undoubtedly recognized a kindred comedic spirit, a person who could fashion a fine tale or a clever quip. For example: at the 1988 Opening Ceremonies, an Olympic official was slated to swear in the judges. Before a packed stadium and a television audience of millions, she stumbled: "Is it on?" "Is the mike live?" Ed said later, "I just want you to know – I was her trainer!"

In 1986, Bill Britton invited Ed Roberts along on a trip with the Denver Broncos to London, England, for an NFL exhibition game. With the complicity of Denver's head coach, Dan Reeves, they cooked up a scheme that Ed would be introduced as a star quarterback of yesteryear from the CFL. Roberts played the role perfectly on the flight to London and had the players well and truly sucked in. The prank took a momentary nasty turn when Bill phoned him early on the morning of the game to say Ed should get down to the stadium immediately to suit up, as the boys wanted to put him in for a play or two since he was such a pro.

Roberts mastered a speaking style in the manner of Bob Hope. He even looked a bit like Hope and could get a laugh just by turning the side of his mouth down and raising his eyebrows. His humour was clever, never nasty.

Ed was a role model for us all as he went through the various setbacks that life brings. He lost his beloved Kaye in 1998 but remained philosophical, and unflinchingly positive. He would joke about the things that happened to him, even his significant bout with prostate cancer. Now he has boarded his last train.

"Time's up, Martland!" I hear that distinctive voice saying. Thank you, Ed Roberts, for an exemplary life, for the strength and warmth of your friendship, and for making us laugh.

Are You Current?

Please check your contact information on the College web site (www.colpm.org/Directory) and let Sandy Geist know about any changes. Also, if your information is lacking a 200-word profile, now is an excellent time to remedy that situation.

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From MAT

Work leaves its mark on each of us. Our growing characters and memories are formed by the first images graven by work on our growing sense of the world. The cast of our mother's face as she mentions the office, the smolder in our father's eye as he speaks of his boss. Toddlers see their mother leave happily or wearily in the morning, seven-year-olds watch their father's face as they enter the door at night. Teenagers become helpless before their parents' unemployment or just as angry if they work too much. Inside each of us is layer after layer of accumulated experience and memory slowly constellating itself into our adult universe of work.

Wherever we work, we need courage both to remember what we are about and, according to the tenor of our times, re-imagine ourselves while we are doing it. We are not alone in this endeavor but secretly joined to all those who struggle out loud where we have not yet begun to speak, or when we are loud and vociferous, to those who labor painfully and secretly beside us. We are joined especially with those now silent who have come before us. We represent not only ourselves but those who have gifted us the possibilities of the present. In the satisfaction of good work is not only the fulfillment of a very personal dream but the harvest of generations of hope and toil.

. . . David Whyte
Letters from the House, 1999

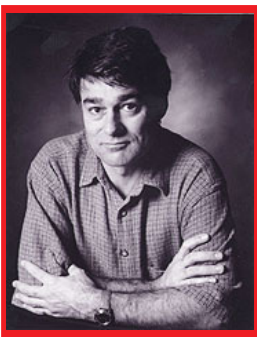


I once spent a week on Lopez Island that changed my life. Aside from the breathtaking solitude, the almost painfully beautiful Puget Sound sunsets and a rare opportunity to stop and think, there was nothing very extraordinary about this week. Except that I spent it with David Whyte's then-new book, *The Heart Aroused – Poetry and the Preservation of the Soul in Corporate America*. (Currency Doubleday, NY 1994 ISBN 0-385-48418-6)

David Whyte grew up in Yorkshire, England. The author of five books of poetry, he is one of the few poets to take his perspectives on creativity into the field of organizational development, working with many American and international companies. He holds a degree in Marine Zoology and has traveled extensively, including working as a naturalist guide and leading anthropological and natural history expeditions. He brings this wealth of experiences to his poetry, lectures and workshops.

In organizational settings, using poetry and thoughtful commentary, he illustrates how we can foster qualities of courage and engagement; qualities needed if we are to respond to today's call for increased creativity and adaptability in the workplace. David brings a unique and important contribution to our understanding of the nature of individual and organizational change.

We are very lucky, indeed, to have secured David Whyte as our primary speaker for this year's Annual Meeting in Vancouver. For those who have read his work, it will be a rare opportunity to share his joy and perspective in person. If you've neither heard of him nor read his books, I'm betting you will find this to be the beginning of a long relationship with his ideas.



Following a two-hour morning session with David, the Fellows will enjoy small self-selected group discussions and a provocative luncheon speaker (yet to be confirmed) before breaking for the afternoon. The most important event, as always, will be the evening's black-tie dinner and induction of our 2005 Fellows.

More information about the meeting will be coming your way shortly. In the meantime, mark your calendar for September 9 – 10 in Vancouver. (You may even want to add on a few days before or after the meeting to explore British Columbia.)

I'm looking forward to seeing you there.

Merrilyn Astin Tarlton, President
mat@astintarlton.com

Book Review

by **Roberta Montafia**

The Woman Lawyer's Rainmaking Game: How to Build a Successful Law Practice (published by Glasser Legal Works, 2005; \$95; www.glasserlegalworks.com)
by **Silvia L. Coulter**



College Fellow,
Silvia Coulter

Is there really a need for a separate book on rainmaking for women lawyers? I would argue that the need has never been greater. Just take a look at the makeup of the average law firm. While we are seeing more women lawyers entering the profession than ever, these numbers are not flowing through to the partnership level, regardless of firm size. Partners are under tremendous pressure to generate business and the need to demonstrate rainmaking ability has never been more acute – especially for the women. With her new book, Fellow Silvia Coulter has given women lawyers a road map to becoming a rainmaker. Beth Boland, a rainmaker and partner at

Bingham McCutchen, in her *Forward* urges women lawyers to “Think big. Be bold. Take risks.” And, that’s what this book is about.

Coulter’s book devotes the first seven chapters to the art of selling. She begins by explaining the marketing cycle and artfully takes the mystery out of sales by setting out a straightforward six-step process. She devotes an entire chapter to each step, which allows the reader to clearly understand the necessity of performing each step. She also provides a supply of forms, tips and working tools that allow the reader to systematically transform theory into practice.

The final chapters of the book cover a wide range of issues relating to client management: connecting with clients; maintaining relationships; and strategies for key client development. Again, providing the “how to” tools means readers can immediately apply new methods to business development efforts.

Perhaps the most distinguishing feature of the book is Chapter 10 – sales confidence for women. At some point in her career, every woman struggles with confidence levels. Particularly helpful are an affirmation of our natural talents and a reminder that many of the characteristics of rainmakers, such as empathy, come naturally to women. The ability to combine our innate interpersonal skills with our business-development efforts is how we can make great strides in our careers. It’s liberating to realize that solution-based “selling” to clients is helping. Here, again, the reader will find practical advice and activities that will help create the bridge from resistance to selling to the more comfortable and natural approach of helping – capitalizing on our relationship-building strength. Coulter spent a great deal of time interviewing successful women for this

book, and she has used the results of those interviews to breathe life into the process through anecdotes and quotes. Not only does she give the reader the benefit of the experiences of these successful women, but she also provides the results of a survey she conducted with a group of in-house women counsel. Their thoughts and insights regarding working with women counsel are thought-provoking.

This book should be part of every woman lawyer's toolkit and would be a good text as part of an institutional training program. That is just what we are doing at my firm, Day, Berry & Howard. We were fortunate that we already had an active women's group, Women Working Together™, and we have used that structure to launch our book club. We have provided a copy to every woman lawyer, paralegal and director in the firm, and have invited everyone to participate. Specific chapters are discussed at monthly WWT meetings, where we share ideas, experiences and solutions. These discussions are continued on an extranet where members can pose questions and keep the discussions going throughout the month. At the end of the year, we plan a day-long retreat.

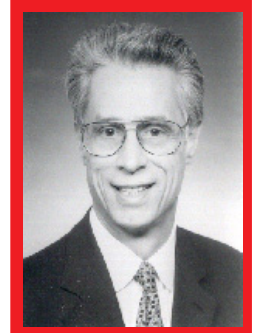
There are quite a few good books about rainmaking on the market, but the combination of sound theory, clarity of process, real life stories and practical tools make this book particularly worthwhile.



Our book reviewer, Fellow **Roberta Montafia**, is the chief marketing officer at Day, Berry & Howard LLP.

Personal Insights – Introducing: Henry Ewalt

[Fellow **Henry Ewalt** practices law part time in a suburb of Pittsburgh, PA, and serves as a mediator in litigation disputes. A litigator and labor and employment lawyer, he spent many years as



associate general counsel at CBS/Westinghouse Electric Corporation. Both before and after his time in-house, he was in private practice with large and mid-size firms and served as managing partner of his own firm. He is the author of several books on client service and the relationship between in-house lawyers and their outside law firms.]

Q. What do you like most about your work in private practice and when you were in-house?

A. Private practice provides many opportunities to know and serve a variety of interesting people and businesses. It's also a wonderful entrepreneurial experience for my competitive instincts. By practicing in corporations, I intentionally placed myself in a position to compete against the nation's best plaintiffs' attorneys and work with the country's best defense lawyers. Of course, I got used to the freedom from timekeeping chores in a big hurry. Both experiences were rewarding because solving problems and creating opportunities for clients is so satisfying. In later years, I got the most satisfaction from assisting lawyers, staff, executives and clients grow themselves by becoming better informed, and more savvy and confident. It was great to see these individuals get promoted, perform at the highest level or find better jobs.

There are quite a few good books about rainmaking on the market, but the combination of sound theory, clarity of process, real life stories and practical tools make this book particularly worthwhile.

“In the end, regardless of the big victories, devastating losses and level of compensation, the only truly meaningful things in law practice are the relationships you develop and maintain.”
... Henry Ewalt

Q. How did these experiences contribute to your decision to write books?

A. I’ve always cared about helping our profession serve clients better, faster and cheaper because I want to see the legal profession’s reputation improve. I think that our stature can only be significantly improved through clients. My varied experiences gave me broad perspectives in law and business. When I expressed the resulting ideas in meetings, ABA staff, various ABA section officers and other practicing attorneys asked that I write the books. I resisted for years, but when I caved, the process was invigorating.

Q. If you weren’t working in a law-related profession, what profession would you pursue?

A. If I weren’t farming, I’d teach (adults preferably with some worldly experience) and write. Interestingly, a salient characteristic of practicing law is that lawyers get paid both to learn from and to teach clients, judges and juries. It doesn’t get much better than that!

Q. Please share especially useful advice that has benefited you in your years of practice.

A. – For a volunteer position: “*You can go as far and fast as you want, no one is going to say you haven’t been around long enough.*” . . . Jimmy Brill

– Concerning clients’ or the opposition’s unreasonable positions and actions: “*Don’t they know there is a tomorrow?*” . . . Andrew M. Kramer

– When disciplinary action is contemplated: “*Will _X_ be surprised by the bad evaluation (or discharge)? If so, you can’t take the action because you haven’t adequately communicated and given him/her a real chance to change.*” . . . Louis J. Briskman

– “*Just do it.*” “*What is ‘it’?*” “*Whatever the client needs done.*”
... Louis J. Briskman

– “*Don’t worry about paying for your kids’ tuition; save for the money you will give them after they graduate from college.*” . . . Norman Rea

– “*There are no problems, just challenges.*” . . . Louis J. Briskman

– “*Cooks and secretaries run the world.*” . . . Henry

– “*In the end, regardless of the big victories, devastating losses and level of compensation, the only truly meaningful things in law practice are the relationships you develop and maintain.*” . . . Henry

Personal Insights – Introducing: Donna Greenfield

[Fellow Donna Greenfield and her husband, Burkey Belser, live in a suburb of Washington, DC, and are the parents of two children.]



Like many of you, I suspect, my career has taken some unexpected twists and turns. Although I was educated to be a lawyer and practiced for seven years, my heart wasn’t in it. I was a litigator, ill suited to the aggressiveness and competitiveness being a great litigator requires. What bothered me the most was the way that aggression spilled beyond the courtroom or negotiating table. We turned our aggression onto our clients (and sometimes toward our young associates or other staff), demanding they obey our

terms, our strategies, our methods. The prevailing model was not to sit down to listen to the client's desires or need.

The clouds parted and sunshine beamed down in the form of the Bates decision in 1977, allowing firms to "advertise." A year later, with my husband, Burkey Belser (also a Fellow of the College), I founded the brand design firm of Greenfield/Belser Ltd. We began almost immediately to create marketing materials for law firms, something no one else was doing, something that had never been done before.

The first years were rough sledding. Lawyers were still prisoners of the gruff, arrogant culture that I fled. Some courageous lawyers saw the value in legal marketing right away. Others were embarrassed by the effort and, as a result, angry. If we fast forward to 2005, we'll see that a sea change has occurred within the culture of the law. Yes, aggressiveness and competitiveness are still huge components, but I believe the need to market a firm's services has tempered the culture. Even the most aggressive lawyers now listen to the client, return calls promptly and very often display a relaxed, more genial side in their relationships with clients and their own staff. I believe our work has played a role in bringing about this change because we have spent the last 25 years helping our clients, on the surface, to create more approachable personalities.

Beneath the surface, we – and the rest of the legal marketing industry – have helped lawyers recognize the benefit of creating satisfaction in their client relationships. The curious lesson about Bates is that it was never about "advertising," per se – the thing lawyers feared most and had been forbidden to use. It was about marketing, which concerns itself with the needs and desires of the client. It was about

delivering value and improving relationships, connecting as people.

Now, I am general counsel of Greenfield/Belser. My role is tedious on the one hand – endlessly reviewing a contract that has been already reviewed by dozens and dozens of lawyers who always find something to mark up. My lawyering also takes me to the frontiers of intellectual property law. I handle the fascinating and almost daily IP issues related to the ownership of creative materials and electronic information. My most natural role is as HR counsel, where I rarely have to think about crushing the opposition and am almost always on the same side as those for whom I care. Our goal is to create a positive experience (cradle to grave, as it were) for our employees – even our exiting employees.

As the years have rolled by, I have changed my mind often about which focus is the most important to a business – the external one, the image and reputation of a business, about which marketing is concerned, or the internal one, creating an environment in which staff will thrive so they can perform. A service business is a complex bit of machinery.

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2005 Sustaining Fellows

We extend a hearty thank you to those who have contributed as Sustaining Fellows so far this year:

Managing Partner (\$500 - \$999)
John Cummins,
in memory of **David Brazina**
Lowell Rothschild

Barrister's Circle (\$250 - \$499)
Phil Clark
Chuck Coulter
Jim Lantonio
Kenneth O'Brien
Charles Robinson,
in memory of **Warren Tomlinson**
Nancy Siegel,
in memory of **Joseph Terraciano**
Harry Trueheart

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Donald Akins
Guy Bennett
Bob Bigelow,
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James Brill,
in honor of **Kline Strong**
Avery Cohen,
in honor of **Richard Reed**

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Robert M. Greene
Wes Hackett
Jack Hanley
John Kirk,
in memory of **David Dresser**
Carol Phillips,
in memory of **Warren Tomlinson**
Richard Potter
Mary Beth Pratt,
in honor of the wonderful
marketing staff
at Pepper Hamilton
Joel Rose
Rob Rubenstein
Sally Schmidt

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Early Alert

For those Fellows who like to plan way ahead, final arrangements are in the works for the College 2006 Annual Meeting. You responded in the recent Zoomerang survey that San Francisco was your first choice for the destination, so San Francisco it is. Mark your calendar for September 8 and 9 at the Palace Hotel.

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