



The Legal Connection

where legal technology & people connect

November 2010

I hope you are enjoying the new format and added content and contributors to the Legal Connection Ezine.

This ezine has been written and self published by me since 2006. It has always been a great source of pride. In it's 5 years, my ezine has provided insights and resources, introduced concepts and people.

I know this because I have received numerous emails and heard from callers who have told me. They not only find value and/or enjoy my content, but have tried new technologies or connected with people because of this ezine. That's pretty cool as this ezine's purpose has always been to connect people and technology – specifically “legal” people and technology – whether that technology is only in use at law firms or not and whether those people are virtual or not.

TLCxn ezine will always stay true to that goal, but since I'm only one little voice out there in all that are “legal” and “technology”, it will now add the voices of others from those worlds.

As I always say, there's no one “right” way to set up your technology; and the gadget that you work is all that matters (provided it is secure). My scope of reference is limited to that which I use and I owe it to you not limit you too.



So, I've tried to amass some of the most credible voices and share their concepts and experiences to help you – my small firms, solos, assistants and administrators - those of you in the trenches of “legal” - getting the work done – day in and day out.

However, not everything included in these pages will be educational - some of it will be here just because it makes me laugh!

Of course, your feedback is always appreciated. Let me know if you find something useful, or if the new format is not to your liking.

We all have to stretch and try new things. This is my attempt at just that. I hope you like and I thank you for taking the time and giving me your feedback.

Of course, if you have anything you'd like to contribute – shoot it to editor@legaltypist.com I'll look it over and get back to you!

Andrea

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Counts



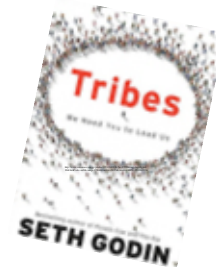
IN CASE OF EMERGENCY

Back up doesn't just mean your computer files – it means you too. Line up a trusted colleague you can call on in case of emergency. Offer to be their “back up” in return.

Q. How Do You Get Your Sh\$t Together & Business Back On Track After Surgery?

A. Tribes

By Attorney Alan Klevan



As I approach Thanksgiving this year, I am thankful for many things – my family, my health and my business.

I consider these three facets of my life like three balls I juggle in order to consider myself successful.

Without all three – family, health and business, I could not achieve my own personal work-life balance.

I say juggling, because by dropping just one ball, you lose equilibrium and then everything falls out of whack.

I lost my equilibrium in November of 2009 and did not gain it back until mid-April of 2010.

I was able to regain my equilibrium thanks to Seth Godin and his book *Tribes*. Before I talk about how *Tribes* put me back on my professional and personal track, I need to back up a year.

In March 2009, I tore my ACL while skiing in New Hampshire. I initially decided to try a non-operative recovery. It worked well until I realized that my idea of physical and my doctor's idea of physical were two very different things!

By physical, I thought the more active stuff I do: skiing, scuba diving and jogging. My doctor's idea of "physical" meant a lot of the routine things I do in every day life and even traveling.

So, being a "work-life balance" Krishna, I did my best to plan for my recovery following surgery. I notified clients, contacted the courts and made "to-do" lists for all my files so I would have an easier time picking it all up again when I returned to the office.

I had my procedure on November 10th, 2009. I anticipated a post-Thanksgiving return. Nothing could have prepared me for the four grueling months of physical therapy that followed.

From November, 2009 to March, 2010, my practice suffered just as much as I did in physical therapy.

I not only lost new business from my failure to market, but I lost existing clients too. I can't blame them – I was doing my best under the circumstances, but obviously it was not at the level of service they had come to expect.

Even a "law practice management" professional needs self-auditing now and then and I knew I needed help. I just didn't know where to start.

It was around March of 2010 that a friend of mine turned me on to Seth Godin. I checked out Godin's website and went to Barnes & Noble to pick up *Tribes*.

At 146 pages, it seemed like an easy read. What could I lose?

Immediately, the book grabbed me. Godin defines a Tribe on the first page:

"...a group of people connected to one another, connected to a leader, and connected to an idea."

I immediately likened my clients to a Tribe, connected to me, their leader.

Godin then continues by distinguishing between a "leader" and a "manager."

Godin states that leadership is "...the ability to create change your tribe believes in..." and defines managers as those who work in the process and are content to function in the *status quo*.

Godin continues to define a leader as a "heretic" - someone who challenges the *status quo* and believes in reaching out to others and putting ideas on the line.

I read the book twice and used the rest of March and early April to develop a list of short-term and long-term goals to re-energize my practice, including

Cont'd next page

updating my technology and ensuring all my documents were stored electronically with a new and improved naming convention.

I reached out to my local Bar Associations and law schools offering several options for seminars on the use of technology to benefit your practice and I updated my marketing lists.

These days, if you ask the Massachusetts Bar Association for a recommendation for someone who knows technology in a law firm, my name comes up.

If you ask an attorney for a reference to a workers' compensation practitioner in Massachusetts who handles catastrophic workers' compensation claims and maintains the file electronically, my name comes up.

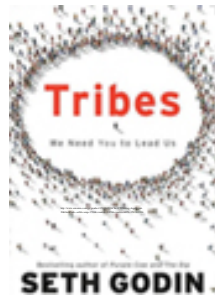
Since March, I have not spent one penny on advertising, either print or electronically. I have spoken with all of my clients and referral sources and

explained to them why my practice is different than any other attorney's practice in Massachusetts. I maintain regular contact with them, know all of their birthdays, know their favorite drink, hobby, pastime, or the sports team they support.

I have created Google alerts for many of my referrers and, if an article pops up on them, I contact them to discuss. What may sound like overkill is a cheap and efficient way of growing your tribe.

Plenty of attorneys still have their full-page ads in the Yellow Pages. They're happy with a volume practice, so long as they meet certain goals every month. They are good managers and are happy spinning their wheels on the Habitrail of legal practice.

Thanks to Seth Godin's "Tribes," I have fewer cases with significantly larger value. I don't fear my caseload will drop because I get referrals every week – and I owe it all to my Tribe.



***Alan Klevan** is a catastrophic workers' compensation attorney who has led several initiatives designed to help lawyers understand the many issues involved in embarking on a solo career



Keynote Speaker Announced: Professor Larry Lessig

Professor Lessig is the Director of the Edmond J. Safra Center for Ethics, and a Professor of Law at Harvard Law School. He has devoted much of his career to issues of law and technology, founding Stanford Law School's Center for Internet and Society and serving as a founding board member at Creative Commons.

Cheapest way to get into TechShow is the SuperPass. Less than \$600 for a Full Access Pass. LegalTypist Groups already forming. Join in the fun and get in at the best rate too! To be added to the list, send an e-mail to:

techshow@legaltypist.com



Research Says? Give Thanks. Be Happy.

by Business Coach Barbara Nelson

In the past, I've cited my dog, Wanda, as the source of my theories about happiness and gratitude. Now I've a wealth of actual evidence to call on: The Research Project on Gratitude and Thankfulness. Turns out that grateful people are more likely to be happy too.

Project findings include:

- *Well-Being: Grateful people report higher levels of positive emotions, life satisfaction, vitality, optimism and lower levels of depression and stress... Grateful people do not deny or ignore the negative aspects of life.*
- *In an experimental comparison, those who kept gratitude journals on a weekly basis exercised more regularly, reported fewer physical symptoms, felt better about their lives as a whole, and were more optimistic about the upcoming week compared to those who recorded hassles or neutral life events (Emmons & McCullough, 2003).*

November is a terrific month to start a gratitude journal. You're setting the stage for starting a brand new year. I always recommend taking a look at what you're thankful for as part of the end-of-year process. Even better to start creating a habit of gratitude on a daily basis.

Every day, record three things that you're grateful for, and spend a few minutes *feeling* grateful. Buy a beautiful journal, and keep it on hand. If that's not your style, use something

else. Choose something that you can refer back to; your gratitude journal is a great read when you're feeling discouraged or stressed out.

Increase the impact of this practice by sharing it with your family. Turns out that kids who practice grateful thinking are more likely to have positive attitudes towards school and family. When I think of the word "attitude" and my twelve year-old daughter, "positive" isn't the adjective that comes to mind, so I'm going to try this starting at our Thanksgiving table!

There you go- a five or ten minute task that you can do to be happier every day. Not much to lose. Try it. See what happens. Expect the best. What I want for you is less stress and more happiness as we head to the end of 2010 and look forward to a fantastic 2011!



Barbara Nelson helps lawyers and other professionals learn the rocket science of action. She's grateful to LegalTypist for the opportunity to show up here and to each of you for reading. Barbara is a huge fan of the value of a gratitude journal and delighted to give you a reason to try it!

<http://www.successfullysolo.com/blog>

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Restraining Orders

Restraining Orders are meant to protect people who are in fear of **imminent bodily harm**.

Your wife getting mad at you and yelling at you because you are lazy and don't want to get off couch. Not a reason.

You are in the middle of a divorce and you want the house. Not a reason.

You are thinking of getting divorced and want a 'leg up'. Nope. Not a reason.

You want custody of your kids. Not a reason.

You hate someone. Not a reason.

You don't like your mother in law. Could be valid reasons for not liking your mother in law. Rarely would any qualify as a reason to get a restraining order.

The judge isn't going to believe you if you are a 250 lb hulking body builder and your spouse is 110 lbs soaking wet that you are afraid that she will hit you. I don't care how long her nails are!

A Restraining Order is just a tool. It can't keep you safe. It may **not** keep the person away from you.

If you are that scared of another human being you feel you need a restraining order, you should also be figuring out a way to hide/get away from that person. Friends, shelters and domestic violence services can help.

People change. The person you are with or the person you married might actually develop some severe mental health issues and you might actually be in danger.

Don't over react to an argument, but certainly don't under react when your gut tells you to be afraid.

WHAT'S CONSIDERED A MOBILE DEVICE AND WHAT CAN I USE WHILE ON THE ROAD WITH THE NEW LAW?

The new anti-texting law takes effect on September 30, 2010 in Massachusetts. This law prohibits using any mobile device.

What does this mean? It means you can't:

- WRITE electronic messages (texts, IM's, emails, etc)
- READ electronic messages (texts, IM's, emails, etc.)
- SEND electronic messages (texts, IM's, emails, etc.)
- ACCESS THE INTERNET
- PLAY VIDEO GAMES
- WATCH TV

If you get stopped: you face fines from \$35-\$150 dollars.

Why All The Best Stuff Happens By Accident

by Mark Merenda

I was at home enjoying a special feature of a "Sopranos" DVD I had rented. It included an interview by film director Peter Bogdonavich with the series' creator David Chase. Bogdonovich asked Chase if he had planned certain nuances in the acting and filming of the show. "Not really," Chase said. "It just kind of happened by accident."

Bogdonovich went on to relate a conversation he had with famed director John Ford: "Ford told me 'All the best stuff in movies happens by accident,'" he said. "I later talked to Orson Welles, and I asked him if it was true, and he said yes, absolutely. In fact, he later defined the director as 'the man who presides over the accidents.'" Bogdonovich calls it the Theory of the Happy Accident.

THE THEORY OF THE HAPPY ACCIDENT AND YOU

Successful marketing, in my experience, works exactly the same way. The best stuff happens by accident. Such accidents can only occur, however, if you are actively and consistently marketing yourself and your services.

A couple of years ago, a client of mine put on an estate planning seminar. A short while later he called to complain of dismal results. "I didn't get a single new client from the seminar," he told me. Needless to say, I was horrified. "Nothing?" I asked. "You didn't get a single piece of business?" "Well," he said, "an old client of mine happened to get the invitation and came to the seminar. He's going to do a couple of things." "And how much revenue will these 'couple of things' bring to you?" I queried. "Oh, \$50,000-\$60,000," he said. "But I'm not really crediting you with that, because he was already **my client**."

EXPECTATION DOESN'T ALWAYS EQUAL ACHIEVEMENT

This is the kind of thinking you probably have to overcome regularly within your firm. Educating my client (with whom I still have a wonderful relationship) helped him to understand something: if you don't achieve exactly what you set out to do, that doesn't make your effort a failure.

If my client had not been actively marketing — and had not held the seminar — then his old client would not have received an invitation. If his client hadn't attended the seminar, the firm wouldn't have realized an extra \$50,000 in revenue. The fact is, marketing initiatives almost never turn out exactly as intended.

Am I saying two contradictory things? Not at all. Your greatest successes will come by accident. But, you can only have these "happy accidents" if you try hard **by design**.

LUCK — WHEN PREPARATION MEETS OPPORTUNITY

"Luck," said baseball great Branch Rickey, "is the residue of design." I'm certain that you have had this very experience. You got "lucky" and landed a big client, and were able to trace that luck in one way or another to an effort made, even if it was only the effort required to go to lunch.

How do you balance good planning and hard work vs. happenstance and luck? First, you recognize that luck will rarely — if ever — come looking for you as you **sit** at your desk **doing nothing**.

GUARANTEES? NO WAY

If you want something to happen, you have to consistently put yourself "out there" where it can happen. In dating, is there any guarantee you will meet the person of your dreams on any given night? No. Is there a guarantee you will meet someone after one month? No. And that's what stops most people. They won't engage in any course of action that doesn't have a guaranteed outcome.

In marketing, as in dating, the expenditure is certain — the result is not. But very few such guarantees exist in life. Almost any action, including a visit to the local convenience store, requires some risk. In business, there is an almost exact correlation between risk and reward. The bigger the reward you seek, the more you must be willing to be bold and daring.

If you wait for a guaranteed return, a foolproof system, a course of action with no risk, you will be waiting a long, long time. And while you wait, life will not. Things in your profession will change. Things in the wider economic markets will change.

MARKETING IS NOT A SCIENCE

One of the maddening things about marketing is that it resists all attempts to reduce it to a science. Like electricity, everyone knows it works, but nobody knows why. Old marketing joke: It's common knowledge that 50% of marketing efforts don't work. It's just that nobody knows which 50%.

In filmmaking, dating, and marketing, there is one iron-clad guarantee: if you stay home and hide, you will not find the rewards, whether personal or professional. To succeed professionally, you must focus relentlessly on revenue growth. You must realize: Something more important than money is at risk by doing nothing — your firm's livelihood. If you always do what you always did, then you will always get what you always got — maybe. To achieve new profitability levels, there's no alternative to actively marketing.

Ever hear the expression, "It's an accident waiting to happen"? That's the way it is with marketing. It is an accident waiting to happen — a happy accident!



Mark Merenda is President of **SmartMarketing** (www.smartmarketingnow.com), a FL based national marketing firm for attorneys and financial professionals. Mark's popular blog Law Firm Help can be found at <http://www.lawfirmhelp.com>.



Steve ODs

on... Thanksgiving



5 Things I'm Not Thankful For

- **Turkey.** Did you know that turkeys have been bred so that their breasts are so large that they can barely walk? Worse yet, they can't have sex. So that bird your eating is a virgin, and it's parents were virgins, and their parents were virgins. There probably isn't even race memory left about sex. Plus, modern turkeys are rather bland and are only edible if smothered in gravy or heavily brined. Lastly, the bird is supposed to be a symbol of opulence, but most people will sit down to a bird that they received free from the grocery store as a perk for buying other food--hardly opulent.
- **Cranberry sauce.** I rather like cranberry juice, when it's used to flavor iced tea or vodka. Other than that the fruit is far too astringent to be enjoyed without an absurd amount of sugar. Not that I'm adverse to sugar, but if something has to be excessively manipulated to make it edible. . . well, maybe you should just not eat it.
- **Candied sweet potatoes.** I love sweet potatoes when they are roasted or mashed. That was always my favorite part of the Thanksgiving meal. Then one year, when I was maybe 12, my older sister came upon the idea of layering them in a casserole dish and covering them with marshmallows and maraschino cherries (just what the fuck are those anyway?). Everyone loved them that way, except me that is, so that because the preferred use of them. Unfortunately, it seems that in my adult life that everyone also prefers them that way so I'm left with either going along with the crowd or making my own small batch of mashed sweet potatoes and explaining to people that I don't want their overly sweet, caramelized version and they can fuck themselves if they think I'm going to share.
- **Tryptophan coma.** At some point, a biology student blamed the sleepiness people feel after Thanksgiving dinner on the amount of tryptophan in turkey. For those that aren't neurobiologists--tryptophan is an amino acid that is a precursor to serotonin, which is a neurotransmitter that plays an important role in mood and sleep. Turkey does have a high ratio of serotonin to other amino acids in it's protein, so it does make some sense to blame sleepiness on the turkey. However that explanation doesn't take into account that it takes time to digest the turkey, pass the tryptophan through the blood-brain barrier, and have it converted enzymatically to serotonin. A much more rational explanation is simply that you just ate a huge meal. When you eat, the body sends blood to your gut to get digestion going and shifts its attention from other things. That biology student should have been reminded of the sympathetic/parasympathetic saying of "fight or flight" vs "rest and digest." Test it yourself, eat a half pound of turkey by itself and notice how you don't pass out. Eat a quarter pound of turkey with enough other food to stuff you and notice how you want to nap. I've given up correcting people when they blame their sleepiness on the tryptophan and not more generally on the 5 pounds of food they've just eaten. Still, when I hear someone say "tryptophan" at the table I really want to stick the carving fork in their eye.
- **The number of side dishes.** I get it, Thanksgiving is about opulence, don't push it. There is no reason to have a half dozen starches and a half dozen vegetables. Two of each is more than enough. Also, have one dessert and have that be pumpkin pie. People feel obligated to try everything presented and having too many things available cuts down on how large a serving they can have of the one or two things they really want.



Steve O'Donnell protects ideas. Based in Lancaster, PA, Steve's practice focuses on helping clients protect their ideas and intellectual property through the use of patents, copyrights and trademarks.

<http://www.3cpatents.com>

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Winter 2010

Legal Events Calendar

Mon Nov 29, 2010	12pm – 1pm	☞ Law Practice Management At Your Desk Series - Applying Business Management to Your Practice - New York Bar Association Webinar ☞
Tue Nov 30, 2010	12pm – 1pm	☞ Balancing Act: Integration between Clio and Quickbooks - Clio Webinar ☞
Wed Dec 1, 2010	8am – 2:30pm 12pm – 1pm	☞ FirmFuture -- Practice Management & Legal Technology Conference - FirmFuture Conference ☞ ☞ Creating a Culture of Emotional Commitment in Your Organization - AMA Webcast ☞
Tue Dec 7, 2010	12pm – 1pm	☞ Managing Client Funds in Clio - Clio Webinar ☞
Mon Dec 13, 2010	12:30pm – 1:30pm	☞ NYSBA Health Law Section Webinar Series "Doing the Deal with Health Care Providers" - NYSBA Teleconference Webinar ☞
Tue Dec 14, 2010	12pm – 1pm	☞ Law Practice Management At Your Desk Series - Financial Management - NYSBA Teleconference/Webinar ☞
Wed Dec 15, 2010	12pm – 1pm	☞ Double Your Value: How to Get Paid More and Be More Valuable to Your Customers and Your Company - AMA Webcast ☞
Wed Jan 12, 2011	12pm – 1pm	☞ Motivating the Millennials: Achieving High Performance from the Youngest Generation at Work - AMA Webcast ☞
Thu Jan 13, 2011	12pm – 1pm	☞ Law Practice Management At Your Desk Series - Procurement and Operations Management - NYSBA Teleconference/Webinar ☞
Wed Jan 26, 2011	12pm – 1pm	☞ Gamestorming: A Playbook for Creative Innovation - AMA Webcast ☞
Mon Jan 31, 2011	All day	☞ NY Legal Tech - The Hilton; New York, NY ☞

www.tinyurl.com/TLCxnGroupCal