

T H E P R I M E R U S

# Paradigm

*A new model for lawyers and law firms*

WINTER 2008

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## President's Podium

John C. Buchanan

# Built on Bedrock



In this issue of the Paradigm that marks the beginning of a new year, we are focusing on high standards – how we conduct ourselves individually as legal professionals and as an association of lawyers. It is a fitting theme as we introduce a new format for our quarterly publication, which has been

**“The Six Pillars are the bedrock of Primerus. These standards of excellence are just as important today as when they were introduced in the early 1990s.”**

redesigned from front to back, top to bottom, to a higher standard of quality.

### Principles to Live By

The Six Pillars are the bedrock of Primerus. These standards of excellence are just as important today as when they were introduced in the early 1990s. In fact, it could be said that our principles of professionalism have never been more vital. Public perceptions regarding the legal profession have continued to erode. As lawyers, we witness declining civility among our peers. Adversarial relationships based on mistrust and dislike of one another are becoming more common.

In an editorial opinion on civility among lawyers written for the Staten Island Advance, Judge Daniel Leddy noted, “Some lawyers have even stooped to wearing their abrasiveness as a badge of honor, bragging in advertisements that they are not merely tough, but positively mean.”

In a related best practice article appearing in this issue, Primerus member Christian Stegmaier of Collins and Lacy, P.C., describes what happens when uncivilized language makes its way into legal briefs. Once a law clerk for an appellate judge, Stegmaier says, “I wasn’t the only one disappointed with briefs like these. I attended status conferences and arguments where the judges uttered terms like ‘bush league’ and ‘inappropriate’ in response to what they read.”

### A Professional Obligation

Six months ago, the California State Bar adopted guidelines of civility and professionalism saying, “The legal profession must strive for the highest standards of attorney behavior to elevate and enhance our service to justice.” And further, “As officers of the court with responsibilities to the administration of justice, attorneys have an obligation to be professional with clients, other parties and counsel, the courts and the public.”

To practice law according to the highest standards of professionalism does not in any way diminish the attorney’s responsibility for ardent representation. I would argue that quite the opposite is true – that attorneys who conduct themselves with civility, professional integrity, personal dignity, candor, diligence, courtesy, respect and cooperation are the finest among us and also the most successful.

### A Privilege to Serve

I am genuinely proud to be associated with this organization of excellent lawyers. To be a member of Primerus—or to work at Primerus—is an honor and a privilege. It also comes with responsibility. As we move into 2008, I want to reaffirm our commitment to quality in everything we do, including the delivery of services to you, our members. We appreciate your ideas, input and involvement. It is in partnership with you that we continue to improve and evolve our organization. Thank you for your dedication to the Six Pillars and to Primerus. I wish you a most prosperous year ahead.

A handwritten signature in black ink, appearing to read "John C. Buchanan". The signature is fluid and cursive, with a large initial "JCB" and a long, sweeping underline.

# The Six Pillars: A Higher Standard

The Six Pillars are the Primerus *raison d' être*; they are also the reason that great law firms are attracted to the Primerus organization.

At the heart of the Primerus brand—the Primerus promise—are the Six Pillars. These standards define the fundamental principles of professional excellence by which Primerus members agree to live. The strength of the Six Pillars comes from the conviction that the professional performance and integrity of each individual member reflects significantly on the reputation and prosperity of the entire Primerus community. The Six Pillars provide an assurance of quality for both internal and external audiences and differentiate Primerus from other legal networking organizations.

## **Uplifting the Profession**

As Primerus president John C. (Jack) Buchanan explains, Primerus was conceived as an organization dedicated

not only to practice building through effective marketing, but also “uplifting the profession.” As such, it only made sense that there be defined standards for professional quality and a process for evaluating a prospective member’s commitment to those principles. “Unlike state codes of ethics which tend to focus on what not to do,” says Buchanan, “the Six Pillars define expectations for legal professionalism that are well above the basics. The emphasis is on the positive. Of course we expect members to follow their respective state codes; we’re suggesting a higher standard. We follow through on that expectation by requiring a rigorous screening process for membership and an annual accreditation audit of each member law firm.”

The premise behind the Six Pillars is that Primerus members are good people who happen to be good lawyers. Therefore,

the Six Pillars cover both personal and professional characteristics essential to a high quality legal practice: integrity, civility, quality of work, reasonable fees, continuing legal education, and community service (see side bar for complete description).

## **Earning the Five Star Rating**

The Six Pillars are the Primerus *raison d' être*; they are also the reason that great law firms are attracted to the Primerus organization. “The opportunity to network with and be associated with other excellent lawyers is a strong incentive for becoming part of the Primerus alliance,” says Buchanan. Not only is the network a valuable resource for best practices and collaboration, it is also a valuable marketing tool in its own right, serving as a meaningful differentiation strategy.

What is made clear to prospective members and clients alike is that member law firms have to earn the right to display

## The Six Pillars: A Higher Standard



the Primerus seal by proving their commitment to the Six Pillars through the membership screening process and an annual accreditation audit. This process results in a third-party endorsement—like a five-star rating—that is a very valuable asset and an important point of distinction. Says Buchanan, “Every time a member uses the Primerus seal—on their letterhead, in their firm brochure, on their website—and explains what it means, it’s like putting money in the bank. The brand equity grows.”

**“Civility then is but the natural functioning of a legal profession in which we are all servants of that higher, nobler master, the Constitution and the law. The lawyer on the other side, or the judge, is not the enemy, but a fellow traveler on the journey toward discovering the correct legal answer.”**

The Honorable Clarence Thomas,  
United States Supreme Court Justice

### The Power of a National Brand

Charles Maddock, principal at the legal consulting firm Altman Weil, Inc. explains the power of branding. “What any network brand promises is consistency of product

and services. That’s why people seek out national brands. Both the challenge and the opportunity of the Primerus brand is to develop consistent, high standards in terms of customer service, pricing, quality work product and so on. I know Primerus as an organization has worked very hard on identifying and maintaining such standards. It is incumbent upon the members to apply these standards consistently in order to fulfill the brand promise.”

The Defense Litigation Practice Group has parlayed the Primerus brand, with its distinctive Six Pillars concept, into an effective marketing tool under the Primerus Defense Institute (PDI). Through the PDI, Primerus defense attorneys are becoming a recognized source of excellent legal services among corporate clients nationwide. Duncan Manley, of Christian & Small, LLP, Birmingham, Alabama, says, “What really sets us apart are the Six Pillars. There are other national networking organizations, but Primerus is unique in its screening process, the annual audit and the commitment to quality standards. Clients really appreciate this.”

Harry Kimball, Vice President of Risk Management for Freymiller Inc., a national trucking firm, holds Primerus in high regards, hiring member firms for a variety of legal needs around the country. “This elite group of attorneys is a welcome breath of fresh air.” In describing his participation in the first PDI Convocation, Kimball said, “I personally accepted the invitation with the objective of meeting, on a personal level, a group of attorneys that

I felt would have the best interest of my company in mind. The sincerity of President Jack Buchanan’s remarks about the Six Pillars thoroughly convinced me that the Primerus group of attorneys are the ‘best of the best.’”

Another individual, representing the client’s perspective during a PDI Convocation panel presentation said, “The Six Pillars truly define what we’re looking for in the lawyers we hire.”

### More Important Than Ever

“There should be no doubt about the relevancy and the importance of the Six Pillars,” says Buchanan. “Clients are telling us flat out, this is what they are looking for. And they would like to see more firms in more cities. We’re on a mission to find more law firms that will help fulfill the Primerus promise – and to ensure the Six Pillars remain a strong and vital part of that pledge.”

Buchanan sees continuing erosion in perceptions regarding lawyers. “There was a downgrading of the profession when we launched Primerus in the early 1990s and it has only gotten worse. It’s true that a few bad apples can spoil the whole bunch; it is the actions of only a small number of lawyers that tarnish the image of the entire profession. Now more than ever, people are looking for professionals—for lawyers—they can respect and trust. Primerus is in

# The Six Pillars

Every lawyer in Primerus shares a commitment to a set of common values known as the Six Pillars.

## Integrity

Research shows that integrity is the number-one quality Americans want from their lawyers. This means acting with candor by expressing the truth and refusing to mislead others in speech and demeanor; preserving confidences; treating others with respect; and acting with conviction and courage.

## Excellent Work Product

Work product is more than winning or losing. It means that all of a lawyer's work for clients is of consistent, high quality. It means that records, as well as communications with clients, are detailed and clear. It means phone calls are returned, deadlines met and promises kept.

## Reasonable Fees

Primerus member firms may work by the hour, on a contingency plan (pay if you win), or on other fee arrangements. But regardless of the structure, the fees must be reasonable, based on what is customary in a firm's geographic area, and on the individual attorney's knowledge and experience.

## Continuing Education

For Primerus members, education doesn't end with a law degree. Attorneys are required to complete an average of 30 hours of approved continuing legal education (CLE) a year (including self study). This is more than twice the typical state bar CLE requirement.

## Civility

Primerus members still hold the courtroom to be a place of honor. Accordingly, as officers of the court, all lawyers and judges deserve our respect, even when in disagreement. Members may express themselves strongly, but never rudely. Primerus attorneys pledge courtesy and civility, in accordance with the profession's noblest traditions

## Community Service

Primerus members believe that law, in its purest sense, is community service. The law, fundamentally, exists to hold communities together. Primerus members pledge themselves to numerous community service endeavors including pro bono services for those who cannot afford legal counsel.



“A lawyer should develop and maintain the qualities of integrity, compassion, learning, civility, diligence and public service that mark the most admired members of our profession. A lawyer should provide an example to the community in these qualities and should not be satisfied with minimal compliance with the mandatory rules governing professional conduct.” ~ Delaware Supreme Court

a unique position to be a shining star in a dismal field. Our reputation is sterling. Our members are truly the best of the best.”

## Striving for Perfection

Buchanan admits that such high standards can make member recruitment a rather tough proposition. “It’s been suggested to me on more than one occasion that we consider lowering our standards in order to broaden the field of candidates; that we should consider, for example, firms with a BV rating rather than AV. By narrowing

our target audience to only the top five percent of the law firms in the country, we’ve restricted ourselves. But a reduction in our standards is to compromise our very core values and beliefs—an action I cannot accept.” Buchanan continues, “Though we will never get there, we are striving for perfection. In everything we do, we want to convey the Six Pillars concept. It’s not just idealistic, it’s the essence of Primerus.”

# Cut Out The Catty Language

# Best Practices



**Christian Stegmaier, Esq.**  
Collins and Lacy, P.C.

Christian Stegmaier is a shareholder with Collins & Lacy, P.C. He is a member of the firm's Appellate Practice Group and belongs to DRI's Appellate Advocacy Committee.

Collins & Lacy, P.C.  
1330 Lady Street, Suite 601  
Columbia, SC 29201  
(803) 256-2660 Phone  
(803) 771-4484 Fax  
Cstegmaier@collinsandlacy.com  
www.collinsandlacy.com

After law school, I clerked for an appellate judge. For two years, I read briefs submitted to the court by counsel. I learned a great deal from reading and analyzing those briefs. I learned how skilled advocates craft well-organized, clear, and persuasive written arguments. I also learned what not to do.

Other than briefs that seemed to have been written by the lawyers on their way over to the court, perhaps the most disappointing submissions were those laced with unnecessarily adversarial or “catty” language by counsel. Such language ranged from petty comments regarding spelling errors to personal attacks on opposing attorneys, which in many cases, were way out of bounds.

I wasn't the only one disappointed with briefs like these. I attended status conferences and arguments where the judges uttered terms like “bush league” and “inappropriate” in response to what they read.

Reputation is everything. It is your most important asset as a lawyer. Accordingly, avoiding the development of an unfavorable reputation with judges should be sufficient motivation to not fall prey to taking cheap shots in submissions to the court. If that's not enough, there is additional motivation for steering clear of this type of conduct. The use of inappropriate language, personal attacks on counsel, and overly emotional verbiage can also have tangible consequences. Get the court angry enough at your senseless tough talk and you could get called out on it in a published opinion for all the bench and bar to see. Here's an example:

*Before we begin our examination of the issues in this case, we feel compelled to address the remarks made by the [Appellant] in the “Introduction” to its argument. With considerable consternation we point out that this section of the brief is not a fair introduction to argument at all. On the contrary, it amounts to nothing more than a personal diatribe against members of the [Appellee’s] family, both living and deceased. Repeatedly, it attacks these individuals on a personal level. It brims with totally unfounded, unsupported suggestion, innuendo, and, at times, virtual accusations of wrongdoing against the [Appellee’s family]. No concession is made for the possibility that there may be legitimate differences of opinion on certain of the issues. At some points, the “Introduction” appears to be merely an attempt to place before this court irrelevant, but highly emotional facts or claims. Needless to say, [the Appellant’s] introductory remarks bear little relevance to the case before us.*

*Our reaction to the opening portion of [Appellant’s] argument is simple and direct: there is no place for such an approach before this court. It is inappropriate, if not irresponsible, and serves only to create or exacerbate hostility and disrespect between the parties, as well as counsel, as witnessed by plaintiff’s response in its own “Introduction.” While [Appellee’s] response exhibits considerable restraint, it is regrettable that such a response had to be*

*made at all. That [Appellant] personally attacked its adversary is disturbing, both in and of itself, and in its negative effect on the system. All parties and their counsel, in all cases, do far better when they focus steadfastly on the issues rather than on each other.*

The consequences of a poorly written brief may not be limited to being called on the carpet. Applying procedural rules, the case law, or its inherent authority to regulate the conduct of the parties, an appellate court may elect to strike the offending party’s brief or portions thereof.

A Wisconsin Court of Appeals warned an offending party: “[The appellant’s] briefs on appeal contain several passages using inappropriate language and making personal attacks. This type of rhetoric is unacceptable, and in the future we may strike any brief or other paper containing such material.”

Imagine if your brief was struck for inappropriate language. How would you explain that to your client? What would you say to your professional liability carrier when you called to advise it of a potential claim? This is the type of trouble you can easily avoid by doing the right thing.

For those attorneys out there that engage in this conduct, cut it out. You look unprofessional and petty. You rile up opposing counsel unnecessarily. You aggravate judges, which operates to lower their opinion of you. Tone down the language. You can be an advocate – and

a very good one at that – without having to result to making personal attacks or going on some rant about your personal difficulties with opposing counsel. Save the drama for the next production of your local theatre group.

For those attorneys on the receiving end of overly adversarial language, petty comments, or personal attacks, don’t take the bait. Instead, rise above it. Take the high road and stay focused on the true issues in dispute. It won’t be lost on the reviewing tribunal who is the bigger person in the equation — in a close case, your professionalism may operate as one of those variables that helps win the day for your client.

The practice of law is challenging enough without counsel shooting at each other with catty language in their written submissions to the court. By engaging in this conduct, we play right into the stereotypes that we as lawyers work so desperately to shake from public’s perception of us. Civility must be extant in everything you do, including your written product.



# FOCUS



**Andrew M. Apfelberg, Esq.**  
Rutter Hobbs & Davidoff

Andrew M. Apfelberg is a corporate attorney with Rutter Hobbs & Davidoff specializing in mergers and acquisitions and serving as primary outside counsel to companies and entrepreneurs.

Rutter Hobbs & Davidoff  
1901 Avenue of the Stars, Suite 1700  
Los Angeles, CA 90067  
(310) 286-1700 Phone  
(310) 286-1728 Fax  
Aapfelberg@rutterhobbs.com  
www.rutterhobbs.com

## Just Walk Away

The best way for a client to save himself from a failed transaction is to be on the alert for the warning signs of a bad deal and to be willing to walk away. When the parties to the deal focus almost exclusively on maintaining momentum or the adrenaline rush of a closing, they tend to ignore the red flags that pop up from time to time as well as their own inherent reaction to what is uncovered.

Some of the more significant warning signs and red flags that I have encountered in acquisitions include:

- The deal seems too good to be true.
- The insistence on an overly quick closing or execution of the transaction documents.
- There is hesitancy or delay in providing requested due diligence items or to deliver or respond to transaction documents.

- The records or documents reviewed in the due diligence process are incomplete or materially disorganized.
- Refusal to negotiate the business terms or language of the agreements.
- Insistence on an “as-is” sale and the refusal to give any material representations or warranties.
- The other side or a broker/finder exerts significant pressure to close despite the existence of open items or outstanding questions.
- Discovery of instances (even if they seem minor) where the other side was less than honest with others or failed to follow corporate formalities or the applicable rules and regulations.

The best indicator that I have found of the significance of one or more of those items is the client’s word choice in discussing



them. I always know that something is wrong when I hear things from my client like “I do not trust the seller, but...,” “that does not seem right to me, but...,” “those are legitimate issues, but...” and “that is a huge risk, but...”

The words that the client uses unintentionally are the best indicators of his gut level reaction to the warning signs and red flags that he observed. The client’s team of professionals--accountants, attorneys, bankers and insurance providers--is in a unique position to help identify these warning signs and empower the client to

I have seen, though, that most clients want their professionals to be equal participants in the process and to share openly their perceptions and suggestions. This is, in part, due to the fact that the client knows that he is less likely to be objective because of the headiness of the deal momentum. Many of my clients have told me that for them to feel like that received the full value for the hourly rates they were paying, they wanted me and their other professionals to carefully observe them and be candid about what was seen. These clients felt that they were paying for

bad deal and to make better decisions because he inherently knows what is right and what is wrong and what makes sense and what does not.

Client should not be afraid to walk away from a deal that does not feel right. There is almost always another opportunity just around the corner. Whenever a client of mine is having difficulty with this, I remind him that when asked what his most profitable transactions were, a highly successful real estate developer that I admire answered without hesitation, “the ones that I didn’t do.”



make good decisions based upon this new information. The client is likely to be less guarded when talking with members of this team.

Professionals often stay quiet or make only subtle comments because of the fear of being perceived as a deal killer or due to a strong deference to the client’s ability to make the tough business decisions.

another set of eyes and deserved to receive the results of clear vision.

By continuously looking out for warning signs and red flags, it will inherently slow the momentum of a deal down just enough to analyze carefully the information and issues presented without jeopardizing the pacing of the negotiations. By empowering the client to listen to his instincts, he is much more likely to avoid a

## New Members

**Milton, Leach, Whitman, D'Andrea & Milton, P.A.** is a general civil litigation law firm comprised of trial lawyers. The firm's practice emphasizes automobile accidents, large truck cases, medical malpractice, wrongful death, maritime accidents, traumatic brain injury, nursing home abuse, and insurance bad faith

**Milton, Leach, Whitman, D'Andrea & Milton, P.A.**

815 South Main Street, Suite 200

Jacksonville, FL 32207

(904) 346-3800 Phone

(904) 346-3692 Fax

Contact: Joseph Milton

Attorneys: 9

Practice: Plaintiff/Consumer

Website: [www.miltonleach.com](http://www.miltonleach.com)

**Rosenblum, Goldenhersh, Silverstein & Zafft, P.C.** was founded in 1953. The firm is engaged primarily in the practice of commercial transactions including corporate matters, real estate and affordable housing, tax credit finance, tax and estate planning, and healthcare. The firm's commitment to academic excellence is evidenced by the outstanding academic credentials of each attorney and the active participation in continuing education programs as both participants and instructors. Further, several partners of the firm serve as Adjunct Professors in the Masters of Law in Taxation at Washington University School of Law.

**Rosenblum, Goldenhersh, Silverstein & Zafft, P.C.**

7733 Forsyth Boulevard, 4th Floor

St. Louis, MO 63105

(314) 726-6868 Phone

(314) 726-6786 Fax

Contact: Carl Lang

Attorneys: 20

Practice: Business/Corporate/International

Website: [www.rgsz.com](http://www.rgsz.com)

## Primerus Staff Changes

**Chuck Runyan** has been named Primerus Director of Technology Services.

We welcome **Chad E. Sluss** who joined Primerus in October 2007 as the Director of Marketing & Management Services. His primary responsibilities include member services and benefit programs, including member communications and marketing.

Chad attended Grand Valley State University in Grand Rapids, Michigan where he earned a bachelor's degree in Business Administration. He completed his master's degree in public administration from Central Michigan University. Chad brings a wealth of experience to his position. His career has included Director of Marketing at ARAMARK Corporation, Director of Sales at Mount Pleasant Convention and Visitors Bureau, Member Services Manager at State Bar of Michigan and President/CEO at Associated Builders and Contractors, Central Michigan Chapter.

Chad and his wife Melissa have three children: Ethan, age 9; Cameron age 2; and Gabrielle, 3 months. The family enjoys camping, golfing, and travelling.

# Primerus 2008 CALENDAR

**February 19, 2008**

Primerus & Alliance of Merger  
and Acquisition Advisors  
Southwest/Southern California  
Meet and Greet

**April 17-19, 2008**

2008 Plaintiff & Consumer  
Mid-Year Meeting  
Long Boat Key Resort & Club  
Long Boat Key, FL

**April 24-27, 2008**

2008 PDI Convocation  
Four Seasons Resort Aviara  
San Diego, CA

**October 22-25, 2008**

Primerus National Conference  
The Broadmoor Resort  
Colorado Springs, CO

# Internet Search

search

## Optimize Your Internet Presence

One of the hot topics at the 2007 Primerus National Conference was website optimization. At a presentation devoted to the topic, it was clear that ongoing optimization of the Primerus website is yielding outstanding results for member firms. Long story short, in case after case of actual search engine results, member pages on the Primerus website are receiving high rankings, and in many cases, appearing well above firms' independent websites.

Chuck Runyan, Primerus Director of Technology Services, says the high level of visibility and rankings are due to the size, scope, and content of the Primerus website as well as the use of savvy search engine optimization strategies. Runyan also uses web analytics software to uncover clues about how internet users are interfacing with the Primerus website in order to further improve the site's optimization.

### Use Relevant Key Phrases

For example, Runyan can view the actual search terms entered by users that lead them to the Primerus site. This information is the basis for determining which key phrases and words should be used on member practice area pages. For example, the search phrase "Dallas Law Firm Downs and Stanford" yielded 45,000 results with Primerus.com in the top spot, while Downsstanford.com was ranked number three.

This result illustrates several principles of search engine optimization. The first is the usage of relevant key words or phrases,

which often means the use of geographic references. For this reason, member pages are consistently optimized with multiple references to geographic location, and in a specific sequence. A second fact is that search engines give higher rankings to large websites with greater and more frequently updated content. Other factors that affect search engine rankings are the use of a readable site map and the quantity and quality of internal and external links to relevant sites. For all of these reasons, Primerus.com is often ranked higher than individual firm websites.

### Continuous Optimization

Search engine optimization is an ongoing process, not a one-time event. For most small law firms, the cost is prohibitive—an estimated \$1,500 to 4,000 a month. But Runyan says much of what Primerus has learned about optimal website design and function can be applied to member websites to improve their own online presence.

"Research shows that the majority of consumers and business people conduct online research prior to making a purchase decision; therefore how a firm presents itself on the internet is a key factor in establishing credibility with a prospective client," says Runyan. "The good news is that many of the best web practices that result in a quality user experience also contribute to improved search engine results."

### Use Search-Friendly Strategies

The most obvious place to start is avoiding web development techniques that conflict with search engine processes. This means

no or minimal flash animation, no java script or dynamic websites (content changes in response to different contexts or conditions). "These are search engine dislikes that reduce the visibility of a web site based on the complex algorithms used by search engines to deliver results," says Runyan.

### Best practices for web development include:

- A readable site map
- Refresh content on a regular basis
- Develop meaningful reciprocal links to other websites
- Submit pages to search engines for indexing
- Professional "look and feel", i.e. font usage, colors, placement of items, the quality of images, etc.
- Sound structure, a matter of good HTML coding
- Good usability, i.e. features like easy-to-use navigation, search feature, sitemap, etc.

Professional web development firms typically incorporate these strategies when developing new websites. Unfortunately, says Runyan, websites that were developed a few years ago or by a novice developer may not be taking advantage of these best practices. Members who would like additional information should contact Chuck Runyan at (800) 968-2211 or [crunyan@primerus.com](mailto:crunyan@primerus.com).

# Broaden Your Opportunities at the Broadmoor



Learning combines with networking—along with fun and adventure—at the Primerus National Conference. Why run the risk of missing out? Now is the time to reserve the dates on your calendar: October 22-25, 2008. The destination is The Broadmoor, a five-star resort in Colorado Springs offering every amenity imaginable for the discerning traveler.

The Broadmoor was conceived as a grand resort by Spencer Penrose who earned his fortune in the Colorado Gold Rush of the mid-1800s. When it opened in 1918, the Broadmoor was described as a place where “European elegance meets Western hospitality.” Penrose and his wife hand selected only the best staff and trained them to offer only the best service. Now, more than eight decades later, their vision is intact and their dream still alive.

The resort boasts 54 holes of championship golf (the 29th Annual U.S. Senior Open will be held at the East Course this year) and seven tennis courts with camps run by Hall of Fame member Dennis Ralston.

There’s also shopping at specialty boutiques, special culinary events, and art

experiences with a resident artist. The Spa at The Broadmoor, with its six distinctive collections of luxurious and results oriented treatments, is one of the top rated Spas in the country.

Colorado Springs is the gateway to Southern Colorado's “Outdoor Adventure Play Land.” Recreational opportunities include jeep tours, horseback riding, cycling, hiking, white water rafting, fly fishing, rock climbing and more.

Sightseeing opportunities are also plentiful including the Cave of the Winds, Garden of the Gods – a registered National Natural Landmark of red sandstone rock formations—Manitou Springs Cliff Dwellings and Museum, Pike’s Peak tours, Royal Gorge Bridge and Park, Seven Falls and boutique shopping and galleries in Old Colorado City.

The continuing education portion of the conference will include a presentation entitled “Building and Sustaining a Marketing Culture at Your Firm” by John Remsen, of The Remsen Group, one of the country’s leading authorities on law firm marketing. This former in-house law firm marketing director works exclusively with mid-size law firms to develop long-term marketing strate-

“The highlight of the National Conference is the opportunity it gives attending members to network and get to know each other both professionally and socially—absolutely invaluable! It also provides a meaningful opportunity to become involved in the planning and execution of Primerus initiatives. The educational presentations geared toward marketing and managing smaller firms are unlike anything you can find elsewhere.”

~ Bob Bivins, Bivins & Hemenway, P. A.

gies and implement proven, cost-effective business development programs. Since 1997, he has worked with over 150 law firms and thousands of lawyers. Remsen is a frequent speaker and author on law firm marketing topics.

Back by popular demand will be Jack Marshall, founder of ProEthics, Ltd. with a new musical seminar called “Ethics Blues.” With live piano accompaniment, Ethics Blues combines immortal songs by artists such as Gershwin, Rogers and Hart, Cole Porter, Irving Berlin, and others with such current issues as “hearing too much” and the prospective client; courtroom tricks; internet and technology issues; sudden conflict; waivers and more. Marshall has taken the experience gleaned from a diverse career in law, public policy, academia and theater and applied it to the field of legal, business and organizational ethics. He has developed more than 95 programs for bar associations, law firms, Fortune 500 companies, and non-profit organizations.

# Business | Corporate | International

Brian Davidoff

*BCI Practice Group Chair*



Coming off the annual meeting in Savannah in October, there are many events within the BCI group designed to help us interact more and deliver more value to each of us.

We are in the process of developing specialty practice groups. These groups are designed to allow individual lawyers in a particular practice area to communicate with each other as a resource and thereby also develop further opportunities for client development. The first such practice group to get off the ground will be the labor & employment group. However before initiating the practice group, Primerus and the Executive Committee of the BCI Group are crafting practice standards guidelines. These are designed to ensure that each lawyer within the practice group does in fact possess the necessary experience. We see this as an important part of the specialty groups, both so that all other lawyers in the group can effectively use the group as a resource, and so that clients who may be referred to the lawyer members of the specialty group can expect to receive the same level of expertise as the referring lawyer.

The BCI Group has also undertaken a client satisfaction survey project. For most law firms, obtaining new work from existing clients is the most productive type of marketing. More firms are developing and utilizing client satisfaction surveys to obtain feedback regarding attorney/support staff service, timeliness, responsiveness and value of work performed, need for additional services, etc. Having Primerus conduct this survey provides a level of independence needed for an effective survey. All of these surveys will be entirely optional at a Primerus firm's election. More to follow on this in the next month.

Primerus also continues to develop its relationship with the AMAA (an affiliation of smaller investment bankers and financial professionals.) We have had successful "Meets & Greets" between Primerus members and AMAA members in New York City and Chicago. Much like the Defense Litigation Group has successfully employed the "Client Convocation" as a means to having national clients send work to members of the DL Group, we are looking to foster our relationship with AMAA to foster relationships with business owners around the country.

All of these efforts will be enhanced as the number of Primerus members in the BCI Group continues to grow. With Mike Weinstein of Ferris & Britton in San Diego as the new Membership Chair, we look to focus on this. We also ask all of you to please reach out to your contacts in the areas not served by a Primerus BCI firm and introduce them to the Primerus staff for consideration as possible members. We welcome your input and comments.

A handwritten signature in black ink, appearing to read "Davidoff". The signature is stylized and written in cursive.

## **Contact Information:**

Brian Davidoff, Esq.  
Rutter Hobbs & Davidoff Incorporated  
1901 Avenue of the Stars  
Suite 1700  
Los Angeles CA 90067  
(310) 286-1700 phone  
(310) 286-1728 fax  
bdavidoff@rutterhobbs.com  
www.rutterhobbs.com



# Defense | Litigation

Bob Brown

*DL Practice Group Chair*

It is that time of year again, the time when we all make lofty resolutions for the upcoming year that quickly fall by the wayside when work and family pressures consume our days and nights. Rather than making lofty weight loss goals, planning to run the Iron Man Triathlon, or climbing Mount Everest, I have resolved this year to maximize the benefits my firm receives from its membership in Primerus. If all of you will dedicate yourself to the same resolution, I am confident we will see Primerus rise to a new level in 2008.

It is easy to state that one wants to maximize Primerus benefits, but without acting upon realistic, achievable goals, this resolution will go the way of the Iron Man. The following resolutions should be easy to keep and will ensure that all of us receive the most out of our Primerus membership, as well as make Primerus the “go-to place” for national clients seeking legal assistance. I hope you will join me in making the following resolutions for 2008:

1. I resolve to make sure all of my firm’s lawyers understand the Primerus concept, the benefits, and the need to speak with their clients about our Primerus affiliation;
2. I resolve to speak to all my clients about our Primerus membership, and encourage them to contact me whenever they are in need of counsel in a new jurisdiction, or when they are displeased with their counsel in a jurisdiction;

3. I resolve to attend all practice group meetings and PDI events;
4. I resolve to display the Primerus logo and the Primerus third party endorsement on all my firm’s marketing materials, letterhead and website;
5. I resolve to attend the PDI Convocation in April;
6. I resolve to bring at least one national client to the 2008 PDI Convocation;
7. I resolve to register for the PDI Convocation by January 31;
8. I resolve to constantly be on the lookout for firms who may meet Primerus qualifications and fill a geographical need;
9. I resolve to introduce national clients of mine to other Primerus members whenever possible throughout the year;
10. I resolve to turn professional association meetings into an opportunity to meet with other Primerus members throughout the year;
11. I resolve to have one of our lawyers or me speak at an upcoming Primerus event;
12. I resolve to go to the December 2008 partner meeting at my firm and demonstrate how successful our Primerus membership has been in the past year.

I have taken a very informal, unscientific poll of Primerus members at the various conferences throughout the year. It is apparent to me that the more a law firm is involved in Primerus, the more they gain from their membership. Anything worth doing is worth doing all the way. For this reason, I make one final resolution. I resolve I will commit to making Primerus work for my firm all year long, as opposed to paying lip service to the concept at the Convocation and National Conference. Unfortunately, this resolution will mean nothing, as will the ones above, unless each and every member makes a similar commitment.

In the meantime, don’t give up on the Iron Man, Mount Everest, or losing those pounds packed on over the holidays. I wish all of you a happy and prosperous new year and look forward to working with you.

## Contact Information:

Bob Brown, Esq.  
Donato Minx & Brown P.C.  
Suite 2300  
3200 Southwest Freeway  
Houston, Texas 77027-7525  
Phone: (713) 877-1112  
Fax: (713) 877-1138  
bbrown@donatominxbrown.com  
www.donatominxbrown.com

# Plaintiff | Consumer

Edward Ricci

*PC Practice Group Chair*



In 2005 I had the pleasure of joining the Plaintiff & Consumer group as a speaker. Two short years later I find myself chairing the group. I am honored and excited to do so. As I begin my tenure let me explain first the reason for my excitement.

As you know, in 2004 I was deeply involved in the tort reform battle that was fought in Florida. The trial attorneys lost that fight badly, but it made me aware that if attorneys were ever going to reverse the woeful reputation they had, new thinking was required. The image lawyers had created for themselves was too deeply ingrained in the psyche of the American public to be changed with the superficial bandage of an advertising campaign.

To help us understand what needed to be done we engaged Dr. Clotaire Rapaille. Dr. Rapaille is the foremost authority on the way in which culture impacts the way people feel, think, and act regarding the many elements of their culture. We felt he could help us understand what he calls the “cultural archetype” of “lawyer”. His research was revelatory.

Why this little history? Because shortly after I began touring the country giving presentations on Dr. Rapaille’s findings, I encountered an organization that shared

my beliefs and vision for what needed to be done. That organization was Primerus, and I am excited that I can bring the insight gained through the research of Dr. Rapaille to an organization with which I share a great kinship.

It is my goal as I begin my Chairmanship to help us all incorporate the findings of Dr. Rapaille into our practices. Speaking from personal experience I can tell you that doing so pays rich dividends. You will be hearing more from me during my tenure on this very important issue.

Primerus is an organization that is unique, not only for its philosophy, but because the structure allows us to share freely with our colleagues. The Rapaille research is one of those things that I feel will be helpful to all of you, but there is another aspect of practicing law in the 21st century that all of us need to master; managing our practices.

Case intake, case evaluation, compensation, case management and finance are all topics that we grudgingly accept as a distasteful part of our professional lives. Better to be preparing for trial than grinding through compensation schemes. To lessen the burden of these onerous parts of our practice we have engaged a Harvard lecturer with whom I have worked to help us all out.

His management, compensation, case evaluation and management systems have all enabled me to run a very profitable and successful practice and he will be sharing his systems with all of you at our Mid-Year Conference in April. The dates of the meeting are April 18-19. We will be in my beautiful state at the Long Boat Key Resort. I encourage all of you to join us for what will be some invaluable insights on managing your practice.

As I said at the beginning of this column, I am excited to be leading our Practice Group, and look forward to hearing from all of you about the things you think we need and the ways in which you can contribute.

A handwritten signature in black ink that reads "Edward M. Ricci". The signature is written in a cursive, slightly slanted style.

## **Contact Information:**

Edward Ricci, Esq.  
Ricci~Leopold  
2925 PGA Boulevard, Suite 200  
Palm Beach Gardens FL 33410  
(561) 684-6500 phone  
(561) 697-2383 fax  
evricci@riccilaw.com  
www.riccilaw.com



“Only a life lived for others  
is a life worthwhile.”  
~Albert Einstein

### **Making a Difference Through Community Service**

Primerus firms are notable in their commitment to the final pillar of Primerus quality contributing countless hours to leadership activities, pro bono legal services, fundraising, volunteering, and other community service endeavors. Primerus attorneys generously give back to their communities in numerous and creative ways that are heartfelt and born of a desire to make a difference.

This dedication to community service is recognized each year at the Primerus National Conference when the Primerus Community Service Awards are presented. We are proud to highlight the top award-winning firm of **KnopikVarnerMoore** of Tampa, Florida and the finalist firms of **Collins and Lacy** of Columbia, South Carolina and **Coughlin & Gerhart** of Binghamton, New York.

### **KnopikVarnerMoore**

Serving as a lead sponsor for several community events over the last three years, KnopikVarnerMoore has helped raise funds for programs supporting Tampa area abused and neglected children, homeless families, legal services for the poor, and Florida's future leaders.

KnopikVarnerMoore attorneys and staff also share their skills and talents by serving on numerous non-profit boards and committees and volunteering their time to support a broad range of organizations and needs in their community including schools and education, health care, youth foster care, cultural arts and environmental issues. Attorneys also provide leadership and volunteer time to professional organizations including the Hillsborough County Bar Association, the Florida Bar, and the American Bar Association.

### **Collins and Lacy**

The attorneys and staff at Collins and Lacy are active volunteers in programs benefiting youth including the Friends of Juvenile Justice System, the Boy Scouts, Girl Scouts, and Lacrapo Productions, an organization dedicated to providing college scholarships for youth whose parents are disabled as a result of work-related injuries. Firm members are also engaged in academic advancement by volunteering in area schools and colleges. One individual helped bring history to life for Clemson University students by serving as a volunteer instructor for a Maymester class which included a recreation of the Constitutional Convention debates of 1787. The firm's attorneys are actively

engaged in local civic affairs through organizations such as the Rotary Club and Junior League and provide financial support for a variety of causes including Alzheimer's research, children with cancer, and others.

### **Coughlin & Gerhart LLP**

In addition to providing direct pro bono legal services, the attorneys at Coughlin & Gerhart volunteer their time to supervise Cornell Law students who provide legal services to participating clients. Attorneys also serve on numerous non-profit boards and are active in serving their community through dozens of organizations, committees and professional associations. In 2006, Coughlin & Gerhart chaired the Broome County Centennial Blood Drive, with many attorneys and staff serving as blood donors. The firm is the annual sponsor of the Broome County Senior Games with eligible attorneys participating. The firm participates in fundraisers and sponsorships benefiting numerous local, regional and national organizations including the American Diabetes Association, United Way, American Heart Association, American Cancer Society, Broome County Bar Association, Broome County Arts Council and many others.



International Society of  
Primerus Law Firms  
171 Monroe Ave. NW Suite 750  
Grand Rapids, MI 49503  
800.968.2211 toll-free  
616.458.7099 fax  
[www.primerus.com](http://www.primerus.com)