T H E P R I M E R U S

Paradigm

A new model for lawyers and law firms

FALL 2008

Managing the Seemingly Unmanageable

Helping you navigate the issues of law firm management

John C. Buchanan

Aligning the Arrows

In my opinion, the single most important thing every law firm must do to improve management is "align the arrows." Before any firm can tackle the law firm management issues that arise day-to-day, the firm must determine its fundamentals. That process begins by asking: What are the essential core values upon which our firm is built? In order for a law firm to be successful from a management standpoint, it must answer that question, and the stakeholders must completely buy into those values.

The firms that do not do this, quite simply, fail. I have seen it happen time and time again in my 45 years practicing law. Of those 45 years, I have spent 35 in law firm management – 10 years as part of a management team at a large firm and 25 years as the major shareholder of my own firms. My theories are based on watching firms come and go throughout those years.

As Primerus firms, the Six Pillars should be at the center of your core values. Every lawyer in your firm must subscribe to those basic principles: integrity, excellent work product, reasonable fees, continuing legal education, civility and community service. They define what all good lawyers should be, and I personally would never practice law with any lawyer who did not whole heartedly embrace these values.

In addition to defining core values, there are other fundamental principles about which each firm must seek consensus among stakeholders.

"You must differentiate your firm in the practice of law today and then develop the reputation for being very good, or even the best, at what you do."

You must define your law firm and distinguish it from the competition. Marketers like to call this process differentiation. Who are you? What is your purpose? Why do you exist as a firm? What do you contribute to the world? You must differentiate your firm in the practice of law today and then develop the reputation for being very good, or even the best, at what you do.

You must define how your firm will be managed. As a firm becomes more diverse in its ownership, the greater its need to devise a management system that everyone is comfortable with. Firms with several or many lawyers should establish a hierarchy for decision-making.

In the management models I have seen work best, only the most important decisions are handled by the partnership as a whole. The lesser decisions are handled by a management committee, and still other decisions are handled by an individual firm CEO or administrator.

And, finally, you must agree on a compensation plan. Decide what you value as a firm and set up a compensation plan that measures those values and compensates accordingly. Then be sure to put it in writing. The plan must offer appropriate compensation for lawyers whose seniority and reputation are valued, those who are excellent rainmakers, those who spend time in management roles, and those who put in many billable hours simply getting the work done.

In closing, I urge you to begin taking these steps now to guide your law firm's management. Just as the United States needs a Constitution, so does your firm need a guiding plan. Once you do, you will be amazed at the success you can have; if you don't, you will be equally amazed at the struggles you will face.

Publisher & Editor in Chief: **John C. Buchanan**
Executive Editor: **Ruth Martin**
Managing Editor: **Chad Sluss**

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Managing the Seemingly Unmanageable

Skeptical. Urgent. Not sociable. Autonomous.

Those are the distinct personality traits of lawyers that set them apart from the general public, according to research conducted by Dr. Larry Richard, a psychologist and former trial lawyer who heads Hildebrandt International's Leadership & Organization Development practice.

And they're traits that render truth to the old saying "Managing lawyers is like herding cats," Richard writes in his article "Herding Cats: The Lawyer Personality Revealed."

"The fundamental problem with the management of law firms is lawyers," said Robert E. Brown, chief executive officer of the Primerus firm Boylan, Brown, Code, Vigdor & Wilson in Rochester, N.Y. "If you think about those personalities, they're pretty much antithetical to any kind of organization."

So if managing lawyers is, indeed, like herding cats, where should a law firm begin in conquering the obstacles in law firm management? How do you find the answer for your firm in the growing body of books, articles and seminar presentations about law firm management?

Focusing the Vision

According to Brown, the most important thing a firm can do is develop a consistent vision. Smaller firms, in particular, need to guard against allowing each attorney to function independently in his or her area of expertise, allowing him or her to "wander around as the Lone Ranger," as he puts it.

Do that by building a strategic plan and bringing it down to the tactical level, Brown says. Boylan Brown's strategic plan has two prongs – one focuses on growth protection and succession for small businesses and

the second focuses on protection of larger companies in “non-bet-the-farm arenas.” Tactically, the first prong includes mergers and acquisitions with some ESOP work, and the second involves business litigation.

John Remsen Jr., the principal of The Remsen Group, an Atlanta-based marketing consulting firm, says in his article “Isn’t It Time that Your Law Firm Develops a Strategic Plan?” that a law firm’s strategic plan should consider a five-year horizon. It should include how large the firm will be, where it will have office locations, what its major practice areas will be and what its client base will be. Once those issues are decided, the firm should develop its three-year goals and objectives and the tactics it will use to achieve them, Remsen writes.

> “The fundamental problem with the management of law firms is lawyers.”

In fact, fewer than 5 percent of law firms in the United States have a strategic plan in place, Remsen said. “Many sole practitioners and attorneys at smaller firms seem to think that strategic planning is for larger firms,” Remsen writes. “However, anyone with an eye toward the future can benefit from the process. Planning can help a firm develop consensus on key big-picture issues, promote internal communication within the firm, inspire attorneys to get out and do things they wouldn’t otherwise do, and help the firm allocate its resources more effectively.”

Who’s in Charge?

All firms at some point are forced to make difficult decisions about leadership. According to Joel Rose, certified management consultant and president of Joel A. Rose & Associates, Inc., in order for a firm to find a form of governance that satisfies everyone, all lawyers first must acknowledge the need for leadership.

“The designated leader – whether an individual or a management or executive committee – will not succeed unless and until all the firm’s lawyers recognize that their willingness to be governed provides the impetus for successful management. The partners also must recognize that management of a firm, either as the managing partner or a member of a committee, is just as important and as difficult as performing client work,” Rose writes in his article “Formulating a Management Plan for Your Firm’s Success.”

A few years ago, Boylan Brown faced a difficult leadership decision and changed from its structure with a three-person managing committee to its current structure in which Robert Brown serves as chief executive officer elected by the partnership. The firm also employs a chief operating officer to handle some business decisions.

In his role as CEO, Brown is continually striving to learn new things. “I do a lot of work on leadership. I’m a lawyer,” he said. “I don’t know anything about this [management] stuff.”

At Primerus firm Collins & Lacy, P.C. in Columbia, S.C., Gray Culbreath acts as a managing shareholder on a management committee with two other partners. The firm also has other small committees for marketing, recruiting and technology, as well as ad hoc committees.

Culbreath maintains a full law practice in addition to his management responsibilities. “It’s very hard, but I am able to do it because I have good people working with me that I can delegate to,” he said.

Collins & Lacy changed to this model about five years ago; prior to that, the firm’s entire partnership made management decisions. “[The transition] took some time… You’re asking people to give up some power to a certain extent, which is difficult,” Culbreath said.

In yet another governance structure, at Primerus firm Bivins & Hemenway, P.A. in Valrico, FL., managing partner Robert Bivins and his partner John Hemenway maintain a truly democratic structure in which each has input on key decisions.

In the two-partner firm, Bivins is majority shareholder, but he and Hemenway work as a team – even down to the level

of understanding the status of each other's cases so they can field calls from clients if the other is unavailable.

Bivins started his own firm after suffering through management difficulties in larger firms. "We saw things that just flat didn't work and heard every excuse in the world as to why it had to be that way," Bivins said. "When you take yourself out of it, you see that it was just our culture… Given the economic challenges we see ourselves in now, people have to make a decision as to whether to pay tribute to tradition and the senior partners and the processes that worked great during the Cold War but might not work now. Those are the difficult decisions we need to make."

Bivins has been pleased with the current model. "I think we manage to take the strengths of the larger, more bureaucratic, firm and drop some of the baggage that goes along with it. There's nothing easy about law firm management and there never will be, but we talk to each other about what's working and what's not working," he said.

Confronting Issues Directly

David Maister, an authority on the management of professional service firms, lays out in his article "Are Law Firms Manageable?" the key areas that he sees keeping lawyers from effectively functioning in groups: issues with trust, values, interpersonal behavior and decision-making logic. The answer, in his view, is not more sophisticated business management tools, but rather confronting those issues head-on.

"If firms are to deliver on the visions they have set for themselves, they must address such issues as what behavior partners have a right to expect from each other, what the real minimum standards and values are, and how common values and standards can actually be attained, not just preached," Maister writes.

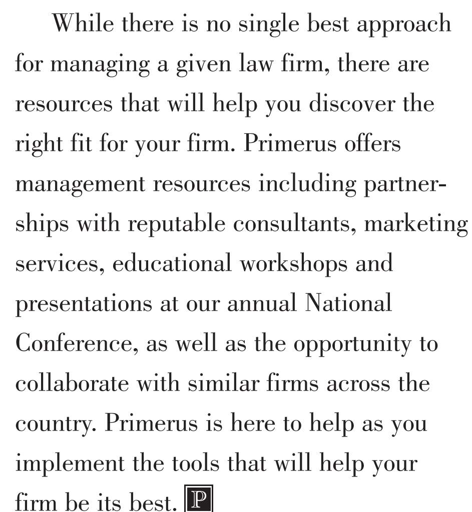
In the "Herding Cats" article, Richard stresses the importance of lawyers learning more about their leadership styles and personality traits, and comparing them to the average population and to other lawyers and within their firm. To do so, and to conduct his research in the article, Richard used the personality assessment tool called the Caliper Profile in his work with firms.

"Armed with this information, the lawyers in a firm can develop a greater sense of their strengths, more consciously build a firm culture, evolve a clearer marketing strategy, hire more intelligently and cultivate business development in a more sensible fashion than requiring every partner to become a rainmaker," Richard writes.

So while managing your law firm may, in fact, be like "herding cats," there are proven solutions – such as strategic planning, establishing workable governance structures and confronting issues head-on – already proven successful within the Primerus membership and beyond.

> "There's nothing easy about law firm management and there never will be, but we talk to each other about what's working and what's not working."

While there is no single best approach for managing a given law firm, there are resources that will help you discover the right fit for your firm. Primerus offers management resources including partnerships with reputable consultants, marketing services, educational workshops and presentations at our annual National Conference, as well as the opportunity to collaborate with similar firms across the country. Primerus is here to help as you implement the tools that will help your firm be its best.



Best Practices

Best Practices

The Art of Settlement – Factors to Consider

By C. Barry Montgomery and Bradley C. Nahrstadt

C. Barry Montgomery
Founding Partner

Bradley C. Nahrstadt
Partner

Williams Montgomery & John Ltd.
20 N. Wacker Drive , Suite 2100
Chicago, Illinois 60606-3094
312.443.3200 Phone
312.630.8527 Fax
cbm@willmont.com
bcn@willmont.com
www.willmont.com

Settlement is more of an art than a science. It takes many long years of negotiations in all types of cases to develop a feel for when a case can settle and for how much. Although successful settlement of a case depends in large part on the skill of the lawyer conducting negotiations, there are certain "variables" that all counsel should consider in attempting to negotiate settlement of a case.

I. Putting a Detailed Value on the Case

There may be no harder task for a trial attorney than to place an accurate value on a case. Although evaluating the reasonable settlement value of a case may be difficult, it is not impossible, if counsel keeps certain elements in mind when analyzing what a case may be worth to settle.

Liability: The liability aspect of a personal injury case is sometimes the single most important component to consider when evaluating whether or not to settle a given claim. There are several components to liability that need to be analyzed when making this determination, including the nature of the liability, aggravating factors, the quality of the litigants and evidentiary and legal issues.

Causation: Causation is the second leg of the triangle of proofs. In cases where there is little doubt that the plaintiff's injuries were caused by negligent conduct of the defendant, counsel should consider settlement at the beginning of the case, before a great deal of time and expense is incurred in needless and expensive discovery. On the other hand, if causation is hotly contested, defense counsel may wish to delay any offer to settle until after discovery on this issue has been completed. The nature and extent of the offer will be a reflection of the strength of the plaintiff's causation evidence.

Damages: The third portion of the valuation triangle is damages. The quality and quantity of the plaintiff's damages have a great deal to do with determination of the value of the claim. Damages factors to be considered by counsel when valuing a claim include:

1. Are the injuries minimal or catastrophic?
2. What are the plaintiff's economic damages; his or her past and future lost wages and benefits, past and future medical bills, past and future care costs, past and future medication costs and property damage? This factor should include an analysis of the plaintiff as well as the plaintiff's out-of-pocket losses.
3. What are the plaintiff's non-economic damages; his or her past and future pain and suffering, past and future loss of a normal life, past and future disability and disfigurement, past and future mental anguish?

4. Has the alleged injury significantly impaired the plaintiff's life or significantly impacted the plaintiff's future employability?
5. Are the plaintiff's damages claims supported by competent and believable expert testimony (either from treating physicians, physical therapists, rehabilitation counselors, economists or life care planners)?
6. Is there the possibility that the plaintiff may be allowed to pursue a claim for punitive damages?
7. Are there any caps on the damages that the plaintiff may be allowed to recover?

All of these factors must be carefully analyzed when deciding whether a settlement offer will be made and, if an offer is to be made, how much that offer will be.

II. What Has Your Opponent Demanded

What any case is worth revolves around what an ordinary and average jury in a particular venue will award to a particular plaintiff in a particular case. It also takes into consideration what a trial or appellate court will sustain and not remit/reduce as excessive. One way to determine the value of a particular claim is to obtain empirical data on past verdicts returned in similar cases in the jurisdiction where the case will be tried. Conduct jury verdict research and compare and study the awards that have been made in the past several years in cases involving like injuries and damages. Counsel may also want to discuss the settlement value of the claim at issue with friends and colleagues who have handled similar cases. By conducting this type of research, counsel can get an idea of the range of settlement values of the claim.

III. Who is the Opposing Attorney

Undeniably, the "chances of success" at trial are in part a reflection of the expertise and skill of opposing counsel. If opposing counsel has a reputation as a skilled and fearless trial lawyer, you may be more willing to settle a case than if the opposing counsel has a reputation for talking tough and running scared on the day of trial. Likewise, if opposing counsel has demonstrated expertise in trying the type of case involved, for example airline disasters or nursing home malpractice cases, that factor may weigh in favor of an early settlement.

IV. Evaluation of Expert Testimony

Counsel must always consider what opposing experts have said, and what their own experts have said, when analyzing the potential for settling a case and the amount for which the case should settle. Counsel has to determine how each expert will explain other opinions on the stand and how each witness will be perceived and accepted by the jury. Some expert witnesses are less convincing than others. Others are well-versed in the art of testifying and are unshakable in their support for the opinions set forth in their written reports. A "weak" versus "strong" liability or damage expert – on both sides of the case – must be carefully weighed and considered when evaluating the possible settlement of a case.

V. Strength of the Facts of the Case

In litigation, as in poker, you have to play the hand you are dealt. In some cases, the facts of the case will strongly favor the plaintiff. In other cases, the facts may strongly favor the defendant.

VI. Potential Litigation Costs

One of the factors that any lawyer (and any client) must take into consideration when determining whether and when to settle a case is the potential litigation costs. Obviously, there is a great deal of variability concerning the costs of litigation. In a case of clear liability with straightforward injuries, the cost of taking the matter to trial will be relatively low, and an unrealistic demand or offer will likely result in a decision to take the case to trial. On the other hand, in a case where liability and damages are hotly contested and multiple expert witnesses may be called on both sides, the cost of taking the matter through trial can be considerable. In addition to expert witness fees, deposition fees, subpoena fees, demonstrative evidence costs and record procurement fees, the time and expense of trial counsel and lay witnesses must be considered. In that type of situation, it makes economic sense for both sides to consider settlement.

There are other economic factors that affect whether or not to settle a case. By settling a case, a corporate defendant can avoid the risk of an adverse verdict that may have an impact on the defendant's bottom line. Pursuing litigation, rather than settling a claim, can also result in a disruption of business, a loss of potential business, or adverse publicity that can affect the defendant's bottom line. A defendant who decides to settle a case, rather than engage in protracted litigation, will avoid these additional – but very real – costs. All of these factors must be weighed and analyzed when determining if and when a case should be settled.

In law, as in life, there are no guarantees. The authors cannot guarantee that by addressing the items outlined above, counsel will be able to settle every case. However, keeping these factors in mind when dealing with the possible settlement of a case should prepare counsel to deal with any issue or position that the opposing side may raise or take and, hopefully, provide the tools necessary either to resolve the dispute or to pave the way for trial. P

"In law, as in life, there are no guarantees."

Best Practices

Succession in the Legal Professional Business

By Rick Riebesell

Rick Riebesell is Corporate Counsel with WorthGroup. He is also a consultant with Business Transition Consulting LLC, offering transition planning and succession planning.

Business Transition Consulting LLC
9400 Gateway Drive
Reno, Nevada 89521
303.829.8123 Phone
hfr@btcllc.net
www.btcllc.net

Lawyers do not do well at planning for business succession. They probably do no worse than other professionals such as doctors, engineers and architects, but that is not a high standard. This article comments on this problem, its symptoms and possible cures.

Business succession planning is composed of contingency planning and transition planning:

- Contingency planning is the planning for certain possible contingencies, such as the immediate replacement of a key person because of death, disability, termination of employment or another sudden event. Most businesses have some disaster planning in place and at least have some basic ideas about what would happen in the event that a key person was no longer available to work.
- Transition planning is the planning for the change of leadership over time, reacting to a change in the business. Obviously, the transition plan is a long-term or strategic plan. Because it involves control of the business, the transition plan is difficult to accomplish and maintain.

Most businesses have a contingency plan of some sort and do not have a transition plan. So how do you develop a succession plan? What are some of the general problems typical to most businesses, and what are the problems unique to the legal profession?

Implementation of a succession plan requires the same techniques as implementation of any strategic plan. The time for planning must be scheduled. This time includes meeting time as well as time for drafting individual contributions to the overall plan. The planning process should be over an identified period of time with all stakeholders (generally owners) involved. Meetings should be used to identify tasks and to consolidate information. A reporter should be designated to document and compile the written contributions of the stakeholders.

A sample planning schedule might look something like this:

- First meeting: General information session with initial assignment to describe the present actual decision-making process of the business, including contingency plan. Ask everyone to submit descriptions in writing to the reporter by a certain date.
- Second meeting: Review those descriptions with the existing governance documents of the business. Ask everyone to submit in writing how the formal governance procedure should or should not be changed.
- Third meeting: Review governance changes submitted and discuss methods of selecting a chief executive

officer, including what the threshold qualifications should be for that position (the most important of which will be whether that person needs to be part of a certain group, such as an owner).

- Fourth meeting: Review CEO selection process submissions and ask everyone to submit a description of business ownership requirements.
- Fifth meeting: Discuss those submissions and discuss value of the business and funding requirements for new owners.
- Sixth meeting: Review succession plan draft, which will be the reporter's compilation of all written submissions, and ask everyone to edit the written succession plan draft. Additional meetings will involve the editing of the plan and determination of the form of the final plan.

There are several issues unique to legal professional businesses. The first involves the failure of lawyers to adequately prioritize time and effectively delegate management of the business. The typical legal professional business is owner-managed. Lawyers tend to have a very difficult time recognizing the educational requirements and experience necessary for effective business management. Lawyers often assume that the business management function can be performed by the lawyer as time is available. While this is possible, it is rarely the case. What is far more common is that a lawyer, typically one of the most experienced and highly qualified lawyers in the firm, compromises his or her professional practice while also trying to manage a business. The management job is rarely done well, and the professional practice suffers.

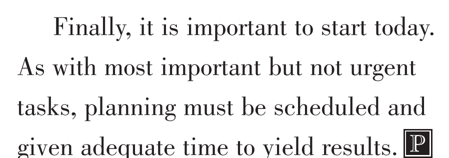
The second issue involves the failure to create and observe governance procedures. Governance in a legal professional business typically is not a structured or established process. Important business decisions, especially planning decisions, are postponed, while professional matters are prioritized. Business and management decisions are often made on the basis of urgency rather than importance. Frequently, because lawyers generally are poor at delegation, law firm business decisions are made at too high a level and without adequate information and process.

The third issue involves the lack of professional training, including implementation and maintenance of professional systems to elevate and consistently maintain high professional standards of business practice. Lawyers who try to maintain a professional practice and manage a business also often fail to establish practice systems and training for younger lawyers. Lawyers know from experience that law schools do a poor job of training lawyers for the practice of law, yet few firms create and maintain training programs.

Procrastination is the reason most planning never happens. Here are some steps for a legal professional business to accomplish a transition plan:

1. Devote adequate time to planning, including development of a strategic plan concerning succession.
2. Delegate business management functions and basic decisions to a business manager who is qualified by education and experience to manage a business.
3. Through the succession plan, create and document a coherent governance plan specifying which decisions are process decisions (needing information and deliberation to make a wise decision) and which decisions are best made by individuals at lower levels.
4. Create and maintain systems of practice which stress the quality and process of services, which are unique to the business and a source of pride for the quality of service rendered.
5. Document and verify the advantages and responsibility of ownership of the professional practice. It should be understood what benefits will accrue to those who assume the responsibility of ownership of the professional legal practice.

Finally, it is important to start today. As with most important but not urgent tasks, planning must be scheduled and given adequate time to yield results.



Best Practices

Using Technology to Achieve Financial and Organizational Success

By Ryan Leestma

Ryan Leestma is the President and Founder of ISI, a collaboration and communications technology company operating in the West Michigan market. ISI has partnered with Primerus for over four years.

Information Systems Intelligence LLC
942 52nd Street SE, Suite 100
Grand Rapids, Michigan 49508
616.656.2200 Phone
616.554.1369 Fax
rleestma@isigr.com
www.isigr.com

Businesses of all sizes and types are continually under pressure to adapt to changing internal and external factors that affect organizational outcomes and financial goals. These factors vary wildly based on the industry, but virtually every organization is dependent on three common factors: employees, customers and vendors.

As these distinct groups change their behavior and expectations, organizations must learn to adapt in order to stay relevant. Many of these changes are being accelerated by technology, and as such, we are increasingly being forced to live in a 24/7 world that never stops. At the same time, we face challenges in acquiring and retaining both customers and employees, as loyalty seems to have reached an all-time low.

It has been suggested that the cause and solution for this change in behavior and expectations starts and ends with technology. For a more thorough understanding of the dynamics and benefits of how technology can help us reach and surpass our financial goals, one needs to look no further than Generation Y. They, better than anyone else, know and understand how to leverage technology to enrich relationships and achieve success on a team basis.

Generation Y-ers have an incredible need to be involved with others, to network and to feel they are contributing something of value that will be recognized. They fundamentally understand how technology enables a 24/7 world that allows them to live life on their own terms while enriching relationships at the same time. Generation Y-ers also have an incredible need to be involved in the process, that is to say that they invest in their relationships and expect an equal or greater level of reciprocation. Finally, this generation uses any and all available technologies to do this; one only need watch a Generation Y-er text message on a cell phone, socially network on MySpace or interact with group forums on the Internet to see this dynamic at work.

So how is this all relevant? It really comes down to what people demand personally, professionally and economically. Customers increasingly expect partners to respond any time of day or night. Employees want to have the flexibility to pursue their personal lives during normal business hours. Managers want employees to participate 24/7. We have been conditioned as a society to expect instant gratification, but the workplace for all intents and purposes hasn't caught up.

The key to using technology to keep up in a 24/7 world without it ruining our lives depends on mapping its usage and benefits. For instance, if we determine that clients only require response to questions and comments eight hours a day, five days a week, with a four-hour response time, I would probably not advise using Smartphones during dinner time. If, on the other hand, the goals of the firm require customer service at any time of day or night, are we consciously making a decision to cut into our personal

or family time? Does doing so help us achieve our goals?

We can learn a lot from Generation Y, as they have learned how to effectively balance a 24/7 world of communication and collaboration with others that enriches relationships and creates an enviable team environment. When we provide others with what they demand, we create an economic value exchange in which the investment made by one is reciprocated by another.

For example, by creating an environment where employees are recognized for their contributions to others, the firm is rewarded through longer-term employee retention. When customers are involved in a collaborative process with employees of the firm, they feel more positive about the direction they're taking. When employees tell others about their positive work-life balance, they promote your firm to potential candidates. When employees coach and develop each other, they reduce the opportunity cost for management.

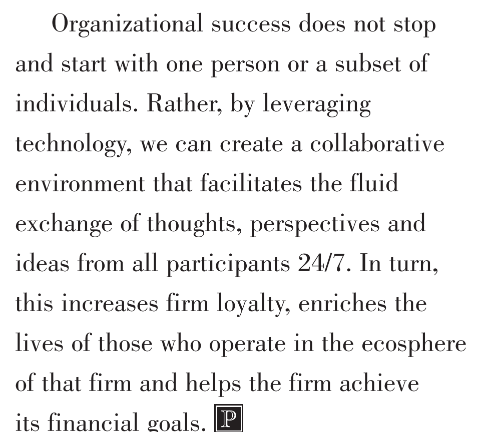
So how can one develop this type of environment in the workplace? First, solicit members of your team for their thoughts, feelings and perspectives regarding your firm's internal and external factors. From this discussion, assemble a list of bullet point priorities and objectives that your new collaborative environment will address.

Secondly, build a structured, collaborative environment using voice, video, data and mobility technologies. I hesitate to line-item specific ways your firm should implement technology, because doing so requires an understanding of the firm's goals and strategic plan. But these are some technologies for your firm to consider to achieve a collaborative environment:

- Create a portal (included in Microsoft Small Business Server) that allows your team to thread discussion topics, collaborate on work documents together and create project spaces. Let your customers interact with this environment (or at least select portions of it), so they feel their contributions and involvement are valued and necessary.
- Enable your team with a voice and video communication system that allows members of the organization to communicate with each other in rich ways regardless of location.
- Purchase a WebEx subscription, and make use of it anytime you can; instead of keeping what's on your laptop screen out of the client's field of vision, put it on a projector and let everyone regardless of location see what's going on and contribute.
- Purchase BlackBerrys or Smartphones for everyone on your team, so they can communicate with others 24/7.

Finally, encourage everyone to use the technology not because it's "cool," but rather because personal involvement is valued and completely necessary for group success. Fundamentally, if everyone doesn't participate in the collaborative process the true capability of the subsequent exchange of ideas will not be realized. By doing so, you differentiate your firm's thought process from the competition.

Organizational success does not stop and start with one person or a subset of individuals. Rather, by leveraging technology, we can create a collaborative environment that facilitates the fluid exchange of thoughts, perspectives and ideas from all participants 24/7. In turn, this increases firm loyalty, enriches the lives of those who operate in the ecosphere of that firm and helps the firm achieve its financial goals.



Best Practices

The Evolution of Law Firm Risk Management

Forces That Created the Expansion of Enterprise Risk Management

By Randy McNeel

Randy McNeel
Director of Marketing

Thornton, Biechlin, Segrato,
Reynolds & Guerra, LC
912 S. Capital of Texas Highway, Suite 300
Austin, Texas 78746
512.329.6666 Phone
512.327.4694 Fax
rmcneel@thorntonfirm.com
www.thorntonfirm.com

The time of law firms assigning the responsibility for risk management to the partner who protested the least or was absent from the meeting is over. This responsibility has grown from renewing existing insurance policies with the same limits and deductibles to managing exposures and limits not previously contemplated.

The enactment of increasingly complex regulations, such as the Sarbanes-Oxley Act, has increased the frequency of a law firm being sued by its own clients for inadequate counseling, according to the article "Risk Centers: Enterprise-Wide Efficiency" by Scott M. Sanderson and Arthur G. Koritzinsky in *Risk Management*. This is especially true if some attorneys in the firm do not practice full time in a specialty. As the number of mergers and acquisitions increase, so does the difficulty of determining if a conflict of interest exists or even which party the firm is to represent. As firms grow and establish multiple offices, the responsibility of assuring that the quality of work is consistent across all offices and all practice groups becomes more difficult.

When a client or former client becomes insolvent, they look for all the deep pockets available. Increasingly, this has become its law firm. These cases are the source of some of the largest claims against law firms in the last ten years, reports Margaret Price in her article "Under Control" in *Treasury & Risk Management*.. The availability of adequate insurance coverage may well be determined by a firm's risk management program. Many professional liability underwriters now consider a comprehensive risk management program a requirement in order to provide a law firm coverage, according to the article "The Ever-Widening Spectrum of Risk" in *Risk and Insurance*. With the exposures increasing in number and severity and obtaining adequate professional liability coverage becoming more difficult and expensive, risk management responsibilities have been elevated to senior partners in most firms.

The evolution of Enterprise Risk Management (ERM) in the last decade has provided a framework for holistically addressing both the old and the new risks facing a firm. The development of a process to address a variety of risks together has significantly improved the ability to protect a firm from a vast majority of risks to which it is exposed.

Organizations have long practiced various parts of what is now referred to as ERM. Identifying and prioritizing risks, either before of after a catastrophic loss, has been a standard management activity. Historically, avoidance, assumption or transfer of the risk through insurance or another financial product have been used to manage these risks. What has changed with ERM is treating the majority of risks in a holistic manner and elevating the responsibility for risk management to a senior manager or partner. ERM has not progressed uniformly through all industries, organizations and businesses.

The evolution to ERM can be characterized by a number of driving forces that are at work in law firms, both large and small, as well as most other organizations and businesses. First, there has been greater recognition of the increasing variety and number of risks and the interaction among these risks that face an organization. Hazard risks such as fire and liability from an organization's normal operation have been actively managed.

However, the awareness of operational and strategic risks has increased, in part, due to a succession of high profile business failures caused by failure of control mechanisms, according to the article "Buying a Financial Umbrella" in *The Economist*. Prime examples are the collapse of Enron, and more recently, IndyMac Bank. The advancement in technology has accelerated, as has the pace of business. This has created an increasing number and complexity of risks, and it would seem that this trend will continue. Organizations have come to realize the importance of managing all risks and their interactions.

Another characteristic of such force is the increasing tendency toward an integrated or holistic view of risks. Developments in finance, such as the Modern Portfolio Theory, provide a framework for risk managers to focus on the collective risk. ERM has increased these concepts beyond financial risks to include risks of all kinds, i.e., beyond a "portfolio" of investments to the entire collection of risks faced by an organization. A number of principles follow from this thinking, including:

- Portfolio risk is not the simple sum of the individual risk elements.
- To understand portfolio risk, one must understand the risks of the individual elements plus their interaction.
- The portfolio risk, or risk to the entire organization or firm, is relevant to the key risk decisions that must be made by the organization

(From Price's article in *Treasury & Risk Management*).

The implications of these principles are having a significant impact on the practice of ERM. This has added to the general realization that risks must be managed with the entire organization in mind. To do otherwise is inefficient at best and can be counter-productive.

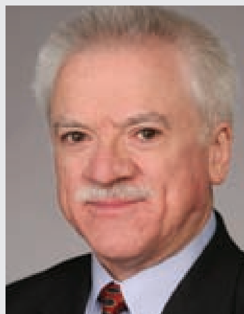
Another characteristic force is the growing tendency to quantify risks. Advances in technology and expertise have made quantification easier, even for the infrequent, unpredictable risks that have historically not been quantified at all. Following a series of natural disasters, including Hurricane Andrew, the practice of catastrophic modeling emerged and is now a standard practice in insurance companies, as reported in the article "Value at Risk Calculations, Extreme Events and Tail Estimation" in the *Journal of Derivatives*. Despite these advances in ERM, there will always remain risks that are not easily quantifiable. These include risks that are not well defined, and are unpredictable as to frequency, amount and/or location. Recently, risks subject to manipulation and human intervention have joined the list of risks that are difficult or impossible to quantify. The most frequent example used is the threat of a terrorist attack. The tendency of risk professionals, actuaries and those enamored with statistical analysis will continue to work to quantify all risks.

Different industries and organizations, including law firms, will continue to develop and employ variations of ERM. Different risks will be more or less important to certain organizations, and risk management practices will differ in particular ways that best suit the organization. It is reasonable to expect that the forces discussed will continue, causing risk management practices to become more and more sophisticated. As capabilities improve, organizations will adopt ERM because they must. P

Best Practices

Five Myths of Law Firm Management

By David L. Applegate



David L. Applegate
Partner

Williams Montgomery & John Ltd.
20 North Wacker Drive, Suite 2100
Chicago, Illinois 60606-3094
312.855.4851 Phone
312.630.8578 Fax
dla@willmont.com
www.willmont.com

Some say things comes in threes, others in fours, but here are five myths of law firm management worth considering.

Myth No. 1: You can't manage lawyers.

You can't manage lawyers, some say – it's like herding cats. Lawyers are independent, headstrong and opinionated. We're the ones other people turn to for advice, and we're expected to know what to do. That's talent, and how can you manage talent? Litigators in particular are trained to deal with matters that arise suddenly and may not allow for tremendous advance planning.

But business people make decisions, too, and business leaders are the ones to whom businesses turn for decisions before bringing in the lawyers. As for not being able to manage talent, isn't that exactly what the person who manages a baseball team does? And the title of that position is, of course, "Manager." Lawyers *can* manage, and can manage other lawyers.

Myth No. 2: You can manage only with money.

The pressure to be profitable in the legal profession is greater than ever, so it stands to reason that law firm managers try not only to manage money, but also to manage with money. Managing partners manage costs; business development committees or the firm's partners as a whole manage business development. A well-timed raise or bonus can certainly boost a lawyer's or staff member's performance, but a good manager knows that different people need managing differently.

Find out what motivates people in your firm and then seek to reinforce it, individual by individual. Some work mostly for money, some want to win, and some like to learn. Some seek to become the best lawyers they can be, to improve the profession or to help solve social problems. Find out what motivates each person you manage and you'll be a much better manager.

Myth No. 3: You can't manage growth.

You can't manage growth, others say, because you don't know what to expect. This too is a fallacy. You can't always plan growth – sometimes it just happens – but you can visualize where you want to be in five years and then work to get there.

Is it by adding a new practice area? Expanding an existing one? Identify talented individuals you'd like to have and recruit them for your team. Identify merger or acquisition candidates, perform your due diligence and engage them in discussions.

Some of this may require outside assistance, some of it you can do directly. But don't fail to grow because you think it can't be done – or managed.

Myth No. 4: You can't manage litigation.

A prevalent law firm myth is that you can't manage litigation because you don't know what will happen in any given case. Certainly there are many variables: the disposition of opposing counsel; the temperament, ability and docket of the assigned judge; the predisposition of the case to settle early or to turn into a war of attrition. In short, each case has so many variables that it's difficult to make accurate predictions about staffing, time commitments and cash flow.

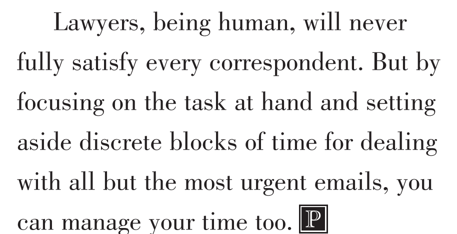
That is certainly true for any given case, but few lawyers – and fewer law firms – have just one case. An electric power utility – which can't inventory its product/service (electricity) but must produce it on demand – doesn't know its exact output needs on any given day either, but it can make projections based on past experience and then fine-tune its production by constantly monitoring current conditions. Likewise, a law firm can project its litigation needs from past experience, then fine-tune them based on a constant review and monitoring of developments in cases and its overall workload.

Myth No. 5: You can't manage your time.

This last management myth is one I'm almost tempted to accept: You can't manage your time, because there are just too many interruptions. Thirty years ago, the cliché – and good rule of thumb – was that a lawyer could send a strong letter in the mail and not expect any response for at least two days. That gave time to work on other matters in the meantime. Then came the fax machine, and as soon as a lawyer sent a fax to the other side, the opposing party began generating its response, which usually arrived the same day.

But even during fax wars, a lawyer could usually buy a few hours' respite. Today, with email and PDAs, communication is instantaneous and 24/7. Crossfire is constant, and clients expect prompt responses. The typical lawyer reportedly receives over three dozen emails a day, and that sounds light to me.

Lawyers, being human, will never fully satisfy every correspondent. But by focusing on the task at hand and setting aside discrete blocks of time for dealing with all but the most urgent emails, you can manage your time too. P



Best

Practices

How to Avoid Legal Malpractice Claims with Minimum Effort

By Jo Beth Earl, Lynn Hopkins and Russ Lindemann

Lynda (Lynn) L. Hopkins, CIC, is the Vice President of Sales & Distribution and Jo Beth Earl is the Claims Director of Hanover Professionals. Hopkins has been in the insurance business for over 19 years. Earl oversees the claims department including all coverage litigation and manages a team of claims attorneys and professionals who administer lawyers' professional errors and omissions claims.

Hanover Professionals
5211 Cascade Road, SE
Grand Rapids, Michigan 49546
800.558.6688 Phone, ext. 1369
800.730.8810 Fax
lhopkins@hanoverprofessionals.com
jearl@professionalsdirect.com
www.hanoverprofessionals.com

Russell J. Lindemann has been in the insurance business for 37 years – the past 21 years with HRH as a Commercial Lines producer.

Hilb Rogal & Hobbs
3196 Kraft Avenue, SE
Grand Rapids, Michigan 49512
616.957.2020 Phone
616.957.3953 Fax
russ.lindemann@hrh.com
www.hrh.com

Often, the first time an attorney thinks of a malpractice claim is when he or she is served with a suit filed by a former client. By then, obviously, it is too late to avoid the claim. In this article, we will identify the most common core causes that spawn legal malpractice claims and provide easy methods to avoid claims.

Every three years, The American Bar Association's Standing Committee on Lawyers' Professional Liability conducts a poll of national and regional carriers regarding claims data. Among other things, the data is analyzed to determine the most common causes of malpractice claims and to identify the areas of practice most likely to be faced with claims. The 2005 study, which analyzed data for claim years 2000 through 2003, indicated that plaintiffs' personal injury attorneys faced the highest percentage of malpractice claims (20%), followed closely by real estate attorneys (16%), with defense attorneys in personal injury actions and family law practitioners in a virtual tie for the third spot (10% each).

The most common causes of malpractice claims (rounded) were attributed to: substantive errors (47%), administrative errors (28%), client relations (15%), and intentional wrongs (10%). Examination of the "substantive errors" category reveals that failure to know or properly apply the law comprised 11% of the category, while inadequate discovery/investigation comprised 10% of the category. Not surprisingly, procrastination was identified as the largest sub-category within the "administrative errors" family (9%), followed by failure to properly calendar (5%). Common sense dictates that both of these failures are easy to prevent with proper law firm procedures and regimented docketing systems, as well as repetitive training of lawyers and staff.

In the client relations category, failure to follow the client's instructions and failure to obtain consent and/or inform the client comprised 7% and 6% of the category, respectively. These types of claims can often be avoided by providing frequent, detailed, written and oral communication, answering client calls and emails promptly, and conducting face to face visits with the client. Do not appoint your secretary or paralegal to be the chief point of communication with the client, as the client may feel slighted, anxious and prone to sue if things go poorly. Although it seems impossible to believe in this electronic age, we see far too many claims in which crucial advice to the client is not put in writing, and the client denies ever receiving it.

How can an attorney utilize this data to avoid claims in the first place? Most defensive measures are straightforward, do not require sophisticated computer software or training, and take a minimum of time. What they *do* require is militant adherence to the principles set forth below, by *all* members of the firm.

Never dabble.

Recall that the two largest sub-categories triggering malpractice claims are failure to know/apply the law and inadequate

discovery/investigation. Said differently, *dabbling*, defined as accepting cases outside your area of expertise, is fraught with peril. Don't do it, no matter how lucrative the case may be, how much it interests you, or how willing you are to "get up to speed."

While there are often commonalities among disparate areas of practice, the differences, nuances and unexpected deadlines far outnumber the similarities. The best course of action is to refer the case to a practitioner recognized in the subject area, with a heartfelt apology to the would-be client. Bankruptcy, workers' compensation, family law, real estate, criminal law and personal injury law are areas into which most dabblers travel, often with unhappy results. While associating respected counsel may aid in deflecting some malpractice claims, attorneys should be aware that in many if not most states, being listed on the pleadings as counsel triggers a duty of care to the client. This is true notwithstanding any "side" agreements existing between you and associated counsel regarding division of labor.

Always docket, in duplicate.

All firm members should utilize duplicative docketing systems. For example, deadlines should be entered on a paper docket accessible by the entire team working on a file, including support staff, and should also be entered into the electronic calendar of each firm member working on the file, with the member responsible for completion clearly identified. All deadlines entered into docketing systems should be checked by a second firm member to insure correct entry, as many claims arise from simple mis-keying of dates. Reminders should be generated from the docketing systems. Completion of each task should be noted in the docketing systems, and if the deadline for a task is fast approaching without indication that the work is being done, team members should be empowered to alert management. Firms should aspire to make reporting such "close calls" part of the office culture, viewed positively, and rewarded accordingly. Concepts of "making your boss look bad" must take a back seat to the more noble goal of avoiding malpractice claims.

Do not allow willful avoidance of risk management protocols.

Too often, a powerful partner is allowed to bypass risk management policies, as a nod to his or her rainmaking ability. The partner can easily point out how important, and how busy, and how profitable they are by way of avoiding the "trivialities" of risk management. Every member of the firm must religiously adhere to all risk management protocols. Period. If a partner won't comply with established protocols, he or she should not be paid.

Always prepare retention agreements and disengagement letters.

Many claims arise from the lack of retention agreements or from a lack of specificity in such agreements. For example, it will not suffice to recite that the engagement is "to handle a workers' compensation claim," but fail to address litigation against potential non-employer tortfeasors, suits against medical personnel who complicated the client's recovery, or claims against the government for disability benefits. If the attorney does not wish to handle appeals, defense of subrogation actions, or negotiation of medical liens, that should be communicated orally and in writing to the client.

At the conclusion of the representation, a short, straightforward letter should be sent to the client noting the conclusion of the work, with an instruction to immediately contact the attorney if the client disagrees. The onus is then on the client to contact the attorney in the event the client believes more work is required. The letter provides a vehicle to catch any miscommunication between the attorney and client before deadlines are missed or malpractice claims have been cemented. Moreover, the disengagement letter sets a finite date upon which the representation concluded, thus triggering the accrual of the statute of limitations for any potential malpractice claim.

Never sue a client for attorney fees.

If you file a suit against a former client for unpaid fees, the most likely consequence is *not* payment of your fees. Instead, it is receipt of a counterclaim for malpractice. But, you say, I did the work; it was top

Advertising Opportunities

The *Paradigm* is the voice of the International Society of Primerus Law Firms. Primerus is an international network of top-rated, independent, law firms that have earned the right to display the Primerus seal of quality. According to Founder and President John "Jack" C. Buchanan, "Primerus levels the playing field for small- and medium-sized law firms." He adds, "Primerus helps good lawyers find good clients and good clients find good lawyers." This is your opportunity to be among the first to advertise your company in this national publication.

The *Paradigm* is distributed to over 1,500 attorneys, many of whom are the managing partner or serve on the management committee within their firms. Members of Primerus are currently located in 41 U.S. states and Canada. Each publication of the *Paradigm* is posted on the Primerus website, which will provide your organization increased exposure.

The *Paradigm* also is the voice of small- and medium-sized firms. This publication provides to Primerus members useful law firm marketing and management articles, helpful practice tools and legal updates. Advertising is limited and available on a first come, first served basis.

THEMED ISSUES AND ADVERTISING DEADLINES: Primerus has created a theme for each issue of the *Paradigm* magazine, which is outlined below along with the space reservation deadlines.

Issue	Space Reservation Deadlines	Mail Date
Fall (Management)		
	September 1	October 15
Winter (Six Pillars)		
	December 1	January 15
Spring (Marketing)		
	March 1	April 15
Summer (Quality of Life)		
	June 1	July 15

For advertising rates and availability, contact Chad Sluss at 800.968.2211.

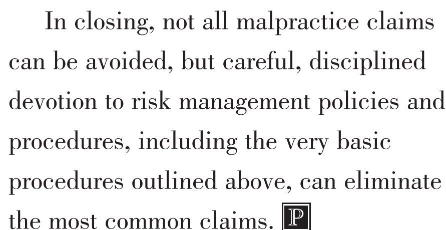
How to Avoid Legal Malpractice Claims with Minimum Effort

quality work; writing off a debt hurts my partners; and this client shouldn't be allowed to skate! The answer? *Never, ever, sue for fees!* The trick is to never allow a client receivable to reach the point at which you are unable to walk away from it. If you fail to heed that advice such that a suit, and the inevitable risk of a malpractice counterclaim, seems justifiable, you have already lost the battle. The ramifications of the client's failure to pay bills promptly should be communicated to the client at the onset of the representation, and firms must be militant in moving to withdraw from litigation in which the client refuses to pay fees.

Even if the claim is utterly frivolous, it still "counts" in the eyes of the carriers, and if nothing else, the defense costs paid to defend the claim will attach to the insured's policy.

Timing is everything. In most states, the statute of limitations to bring a suit for fees is longer than the statute of limitations to bring a malpractice claim against an attorney. If you must file suit, at the very least wait until the malpractice statute runs.

In closing, not all malpractice claims can be avoided, but careful, disciplined devotion to risk management policies and procedures, including the very basic procedures outlined above, can eliminate the most common claims. P



New Partnership

Primerus is pleased to announce that we will introduce a new Lawyers Malpractice Insurance Affinity Partnership Program during this year's National Conference. This program will offer Primerus members special pricing advantages, starting with an upfront discount plus a group dividend plan based on overall annual loss ratios. Hanover Professionals is the underwriting company, and Hilb, Rogal & Hobbs Agency will handle member inquiries. Details on coverage options and how to participate will be available soon.

Business | Corporate | International

Brian Davidoff

BCI Practice Group Chair

2007-2008

With the fall conference to be held in October, my term as the Chair of the BCI Group comes to a close. It has been a rewarding year for me. During the year we advanced the agenda of the BCI Group from the capable leadership of my predecessor Rob Brown of Boylan Brown in Rochester, N.Y. (who followed Alan Dunn of Stewart and Stewart in Washington DC). What began with Alan (and his predecessor Jud Todhunter of Defrees & Fiske LLC in Chicago) as a fledgling branch of Primerus, which at that time was heavily weighted to the litigation end of the practice (both plaintiff and defendant), the BCI group struggled to find its identity. Jud and Alan began the process of identifying the BCI Group's goals. At the time, its members were somewhat uncertain of what the BCI Group could offer, and retaining current members was a challenge. Rob worked hard during his year of leadership to begin focusing the BCI Group and carving its niche in the Primerus organization. With that groundwork laid, we launched initiatives that finally gave voice to what the BCI Group stood for. We founded the Intellectual Property, Bankruptcy, and Labor & Employment Specialty Practice Groups. I encourage members to visit www.primerus.com and click on the "Members Tab" to review the progress made on the Specialty Practice Group web pages. The BCI Group also focused on finding a voice among general counsel of the nation's largest companies, so we could begin to mimic what the Defense Group has so aptly done with their "Primerus Defense Institute."

For all that, this is still just the beginning, and there is much to be done. The specialty groups each need to find a way to further help their members and market their services. The general counsel initiative has a long way to go for Primerus firms to become a recognized alternative to the mega firms. I have no doubt that Sue Laluk, also of Boylan Brown, as the incoming chair of the BCI Group, will ably continue the path of growth.

Like any organization, however, you get out what you put in. To make the BCI Group work for you, you need to get involved. Most importantly, go the National Conference. Meet other members so when you make or get that referral you can put a face to that name. The National Conference general sessions will include an "Ethics Blues" musical program and a marketing program entitled "Building and Sustaining a Marketing Culture at Your Firm." The BCI Meeting agenda will focus on updates of developments during the past year with discussions of the Association of Corporate Counsel update, Practice Group initiative updates and future planning. Also plan to attend the mid-year meeting which will be held on January 20, 2009, in conjunction with the AMAA Winter Conference in Orlando, FL.

One cannot end a year without abundant thanks to the work and ongoing efforts of the Primers staff. Ruth Martin has been an ambassador for our group to the Primerus board and has been there at every turn. Whenever we have needed to get anything done, Ruth has always been the first to jump in to make that happen. Chad Sluss has worked hard with us on the brochures for all of the specialty groups and has always been available to assist in the BCI Group's marketing efforts. John Yared has kept plugging away at seeking out new members, a critical aspect for the continued success of the group, and Chuck Runyan has kept up that indefatigable energy on the website. Last but certainly not least, thanks also goes to Jack Buchanan. While we don't have Jack's daily involvement in the development of the BCI Group, he is certainly there behind the scenes, guiding the organization and making possible the friendships, relationships and practice and client developments that could not have occurred without Primerus.

Contact Information:

Brian Davidoff, Esq.

Rutter Hobbs & Davidoff Incorporated

1901 Avenue of the Stars

Suite 1700

Los Angeles California 90067

310.286.1700 Phone

310.286.1728 Fax

bdavidoff@rutterhobbs.com

www.rutterhobbs.com

Primerus Defense Institute

Bob Brown
PDI Chair

When I was informed that the topic of the month was management, my first question was why I was being asked to write on this topic. I have never been the managing partner of a law firm, which might be one of the key reasons for our firm's success over the last 12 years. My principle management strategy has been to let our managing partner, Brook Minx, handle 95 percent of management issues and only to involve myself in the major decisions. I learned long ago I was a better lawyer than manager.

My father was once managing partner of a defense firm in Beaumont, Texas. He received a request from the other partners to write out his job description, presumably in an effort to see how much time he was spending on the management of the firm as opposed to practicing law. My father has a very succinct writing style. His job description of a managing partner was the following: "Managing partner – a fire hydrant upon which all other partners lift their leg."

Too often, the managing partner of a firm is seen as the bad guy both by other partners and certainly by the staff. This is the nature of the beast, as ultimately that person has to handle the dirty jobs that no one else wants to do. We jokingly, and somewhat seriously, gave the managing partner of my former firm the nickname of "Darth Vader." Having him knock on your door was somewhat akin to having Mike Wallace call you up and ask for an interview. Managing partners hold the most difficult job in the firm, balancing a busy practice with oversight of the entire firm. They should be applauded and assisted, as opposed to feared and resented.

I will fill the remaining space with an update on the Primerus Defense Institute's efforts to maintain the momentum we gained at the Convocation. We have held regional meetings in Atlanta, Chicago and Kansas City with member firms. The primary purpose of the meetings was to identify clients to introduce to the Primerus network. We identified over 100 national clients, the majority of which have not attended the Convocation and have had little to no exposure to Primerus.

The idea is for the lawyer who has a relationship with those clients to discuss the concept of Primerus with them, discuss the fact that there are nearly 50 fantastic defense firms in the network, and to identify jurisdictions in which those clients either do not have a relationship with a firm or are unhappy with their present representation. Then an introduction will be made to the Primerus firm in that area with the hopes of building and maintaining a relationship. It is my firm belief that once clients are exposed to more than one Primerus firm and experience the quality of work and dedication to the clients of those member firms, the clients will want to meet additional Primerus firms.

New membership in Primerus is not only a benefit to your firm, but is also a benefit to your clients. Your membership should be marketed as such, and your clients should be given exposure to the whole Primerus network. We know this works not only for member firms but for clients, as we have a number of clients who now use the Primerus website as their primary panel counsel list.

We have also decided to form practice groups and to conduct seminars within those practice groups. The first practice group will be a transportation group which will hold its first seminar in Florida in January. Due to the broad client base that attends the annual PDI Convocations, the CLE presentations have to be fairly general to benefit to the greatest number of attending clients. Holding practice-specific seminars will allow us to offer topics specific to an industry. It is likely that employment law and/or worker's compensation will be the next practice group developed, and a seminar will be held in one or both of these areas sometime in the next year.

I am excited about the direction the Primerus Defense Institute is headed. We are developing a stronger national presence, and I feel the sky is the limit.

Contact Information:
Bob Brown, Esq.
Donato Minx & Brown P.C.
Suite 2300
3200 Southwest Freeway
Houston, Texas 77027-7525
713.877.1112 Phone
713.877.1138 Fax
bbrown@donatominxbrown.com
www.donatominxbrown.com

Plaintiff | Consumer

Edward Ricci
PC Practice Group Chair

In Philadelphia on July 14th – within earshot of Independence Hall – I addressed a plenary session of the 2008 annual convention of the American Association for Justice. My topic was "Why Juries Hate Trial Lawyers."

I noted that Bill Laresh, Mel Weiss and Dickie Scruggs were all trial lawyers, and all three of them were disgraced, and in jail. How could men who had won billions of dollars for consumers have gone so wrong? Why would attorneys of such apparent talent cheat in the pursuit of justice? The answer is obvious. Their Achilles heel was "the money."

I asked the audience to reflect a moment on Clarence Darrow, indisputably the most famous trial lawyer of the 20th century. Can anyone recall a single story about Darrow that dealt with money? In Irving Stone's biography he notes that Darrow earned his living representing widows and children of men injured and killed in Chicago's stockyards, but his fame came from the cases he tried for free. How many of us will leave such a legacy?

At this point, I think I had captured the audience's attention. I also asked them to recall Perry Mason, Matlock, Atticus Finch, Sam Waterston, even Joe Pesci in "My Cousin Vinnie" and point out once where the story was about "the money."

The message is clear. Lip service in the "pursuit of justice" is not enough. If our profession is to survive, we must change, not just in what we say, but in what we do. We must show it in our actions.

I urge you to ask yourself this question every day: What will my legacy be? Do you want the answer to be, "He got rich, he cheated to get rich, he fought to grab every fee he could?" Or do you want the answer to be, "He was a champion of justice"?

How can we bring about change in the legal culture that negates the "it's all about the money" mentality? Law firms need to do a candid self-examination of their practices and bite the bullet of change. Legal ethics classes may be good for CLE credits, but it's what we do in the legal marketplace that really matters. To paraphrase T.S. Elliot, "To do the right thing for the right reason, that's the greatest challenge."

Speaking in Philadelphia steps from Independence Hall, I could not help but remind myself and my audience that our Founding Fathers should be our role models, not Bill Laresh, Mel Weiss or Dickie Scruggs.

Contact Information:
Edward Ricci, Esq.
Ricci~Leopold
2925 PGA Boulevard, Suite 200
Palm Beach Gardens, Florida 33410
561.684.6500 Phone
561.697.2383 Fax
evricci@riccilaw.com
www.riccilaw.com

"What we are creating is a coordinated effort that surrounds children and their families with the kind of resources you would see in a normal middle-class family." — Robert Brown

Improving Urban Education

Robert Brown has a heart for urban education. Brown, chief executive officer of the Primerus firm Boylan, Brown, Code, Vigdor & Wilson in Rochester, N.Y., served on the Rochester City School District School Board for eight years and is one of the founding board members of the Rochester Surround Care Community Corporation (RSCCC). An innovative non-profit, RSCCC was formed to help children in low-income areas of the school district get the services they need to thrive in school.

"What we are creating is a coordinated effort that surrounds children and their families with the kind of resources you would see in a normal middle-class family," Brown said.

Their goals include: health insurance and a primary care physician for children, lead testing and decreased lead poisoning, accessible financial education programs for adults and youth, increased adult literacy, more mentors for children, decreased truancy, support for new parents, expanded neighborhood crime watches, more programs that teach peaceful resolution of disputes, and more affordable after-school and recreation programs.

"The idea is to bring all these things to families to prepare parents for parenting and children for school and see if we can break the cycle of poverty and welfare recidivism," Brown said.

The program is based on the model of the Harlem Children's Zone, created by education reformer Geoff Canada, a fellow Harvard graduate of Rochester's former superintendent Manuel Rivera. In Rochester, Brown said they were able to move forward with the cooperation of the school district and grass roots involvement from members of the community they are serving.

Brown knows from personal experience that children can get a great education in the Rochester City School District with support from home. His own sons, now ages 26 and 29, attended ordinary high schools in the district. "Our younger son has said to me that he has friends in jail and friends at Yale," Brown said.

Brown's law firm also has joined the urban education reform effort by participating in the Monroe County Bar Association's Lawyers for Learning program. Individuals serve as mentors in School 29 in Rochester City School District, providing reading and math assistance, playing educational games and serving as positive role models. Lawyers for Learning also hosts an annual dinner for School 29 families, funds field trips, sponsors reading contests, distributes free books and provides enrichment grants to students.

Meanwhile, Brown continues his work in urban education, fighting what he calls the "last great battle of the Civil Rights movement."

PRIMERUS

International Society of
Primerus Law Firms
171 Monroe Ave. NW Suite 750
Grand Rapids, Michigan 49503
800.968.2211 Toll-free Phone
616.458.7099 Fax
www.primerus.com