

Law Practice Management



Volume 8 • Number 1 • Winter 1999

FOCUS: TECHNOLOGY

Practical Uses of the Internet For Lawyers and Law Firms

By Jerry W. Spoonemore and Dean A. Messmer

1. Introduction

Only a few years ago, the Internet and World Wide Web seemed to be the province of a few technoids and computer junkies, largely irrelevant to the everyday world of business and law. For better or for worse (and we think for better), times have changed. Communications by e-mail are commonplace. Many businesses and an increasing number of law firms have web sites. Computer prices are falling rapidly and Internet access is cheap. Yet many lawyers have not integrated the Internet into their everyday law practices, perhaps believing that the word processing, law books, Westlaw or Lexis and a fax machine are all they need to be successful and efficient lawyers heading into the 21st Century. While such traditional resources will continue to be important, the Internet offers a whole new group of tools for better lawyering.

In this article, we hope to demonstrate some of the ways that Internet e-mail, listserv legal discussion groups and World Wide Web resources can work for you. To make these materials more accessible, we are also posting them in the Law Practice & Technology Section's area of the WSBA website, at <http://www.wsba.org/sections/lpm-lomi.htm>. We are including an extensive set of World Wide Web Links for Attorneys both as a hard copy attachment to these materials and as a separate web page posted at <http://www.wsba.org/sections/lpm-lawlinks.htm>.

2. E-Mail - What Is It, and How Can It Be Used In a Law Practice?

A. E-Mail - Background.

One of the earliest uses of the Internet was for transmission of e-mail. As a relatively free and fast means of communication, it still remains among the most valuable ways to put the Internet to work in a law practice. The term "e-mail", or

continued on page 3

Inside This Issue

Practical Uses of the Internet for Lawyers and Law Firms	1
<i>By Jerry W. Spoonemore and Dean A. Messmer</i>	
Editor's Notes	2
List Serve	2
Web Page Design	2
Characteristics of Successful Law Firms	8
<i>by Ezra Tom Clark, Jr.</i>	
Highlights - Executive Committee Meeting	11
Upcoming Section Meetings	12

Editor's Notes

by Steve Hutchinson

Well, the tradition of a column called "Comments from the Chair" is fading. It's probably just as well to hear from your editor.

The practice of law keeps changing at an amazing rate and the management of that practice becomes an increasingly technical and financial issue. Many of the practical issues in the operation of the law firm are in the process of changing dramatically with the increasing power of the computer and the availability of Internet resources. An example of this is the recently available site on the Internet called "The FindLaw Office" (<http://office.findlaw.com/>). The FindLaw Office site is a free site with free tools and services that facilitate law practice over the Internet. FindLaws' free email, free secure web sites, free document management and transmittal allows lawyers to share documents with colleagues and clients easily with access from any computer with a capable web browser. Access links to legal research, case law, small business resources, on-line CLE programs and a wealth of other materials, gives promise to change the way law offices operate and allocate their resources.

Do you need those leather chairs for the office library?



List Serve

OSB now has made available to Sections the ability to send e-mail or fax by a list serve computerized process to all members of the Section. This gives the Sections the ability to contact all of their members on an immediate basis to get feedback with regard to a variety of items effecting the Section or of interest to Section members. The LPM Section Executive Committee has decided to adopt this process for Section member contact so all of us will get these e-mails or faxes unless we decide to "opt out." If you don't want such faxes or e-mails coming to you, you may contact OSB and they will block your name on the list.



Web Page Design

A number of smaller offices around the state have been looking for people who are qualified and available to design web pages. The Section is trying to set up a list of people who would be available for that purpose. If you know of somebody who does web page design and who would be willing to work to put together such an item for a small office, please let the Section Chair know.



Newsletter Editorial Board

Stephen A. Hutchinson

Newsletter Editor

(541) 686-9160 Fax (541) 343-8693

John Davenport

Stephen Hutchinson

Glenn Leier

R. Scott Palmer

John Wolf

www.willamette.edu/law/clp/lpms.htm

Section Executive Committee

R. Scott Palmer,
Chair

(541) 687-4757

David O'Brien,
Chair Elect

(503) 224-0789

Robert Le Chevallier,
Past Chair

(503) 620-8900

John Cummins
Secretary

(541) 344-2025

Mike McCord
Treasurer

(541) 548-2151

Lee Aronson (99)
(503) 223-4131

David Daniel (99)
(503) 370-6140

Carol Decker (99)
(503) 364-8488

Debbie Guyol (00)
(503) 284-6951

Candace Haines (99)
(503) 618-2434

Steve Hutchinson
(00)
(541) 686-9160

Mark Oldenburg (00)
(503) 248-1134

Jeff Ouderkirk (01)
(541) 265-8823

Mary Sauer (00)
(503) 248-1879

Jan Stuemke (01)
(503) 238-9720

Bradley Wall (01)
(503) 238-0333

John Wolf (01)
(541) 485-5151

BOG Contact:

Gordon Davis
(503) 221-5306

Staff Liaison:
Rodney R. Wegener
(503) 620-0222

PLF Liaison:
Carol Wilson
(503) 639-6911

Practical Uses... continued from page one

"email", is short for electronic mail. Of course, e-mail is not "mail" in the dictionary sense: "letters, packages, etc. that are sent or delivered by means of the post office." (*Webster's Encyclopedic Unabridged Dictionary of the English Language*, (New York: Dilithium Press, Ltd., 1989), p. 864.) It is a means of almost instantaneous written communication between two or more computers, delivered electronically via the Internet. Both the sender and the recipient(s) must have an e-mail program on their computers in order for the process to work. The sender of the e-mail first composes a message on his or her computer; then, when it is completed, he or she "sends" it to the recipient(s) with a key-stroke or mouse click.

Of course, just as with normal written mail sent via the U.S. Postal Service ("snail mail"), the recipient(s) must have an "address" to which the e-mail is to be sent. Typically, e-mail service is obtained along with an Internet access account from an Internet Service Provider ("ISP"). Each customer of an ISP needs to have a unique "log-in" name, entered along with a password each time the customer accesses the Internet by connecting to the ISP's computer. This log-in name is chosen when signing up for Internet service, and must be different than all other log-in names for that ISP. The combination of your log-in name and the ISP's identification, separated by an "@" symbol, becomes your e-mail address. For example, Jerry Spoonemore's log-in name with his ISP, Halcyon.com, is jws, so his e-mail address is jws@halcyon.com. Dean Messmer's address is messmer@lasher.com. When choosing an ISP and log-in name, remember that you will be giving the resulting e-mail address to many people, so select something that is easy to remember and communicate.

There are numerous ISP's providing Internet e-mail service, and unfortunately there is no single register or data base for e-mail addresses. An analogous situation for "snail mail" would exist if rather than one U.S. Postal Service there were numerous private mail delivery services whose geographic service areas overlapped, and if each delivery service assigned different names to the streets and roads in its service area. However, as use of e-mail becomes more widespread, compila-

tions of e-mail addresses are becoming available within specific organizations and professional groups. For example, both the book and on-line versions of Martindale Hubbell now include e-mail addresses in their listings of law firms and lawyers. (See the link to the Martindale web site on our Web Links page, under "Attorneys & Law Firms".) Many lawyers are including e-mail addresses on their business cards, letterheads and marketing materials.

B. Communication Via E-Mail.

To send Internet e-mail, you need a software program capable of creating, sending and receiving messages. Fortunately, these are not difficult to find. Both the Netscape and Microsoft web browser software (available free or at a small charge) have e-mail software built in. Basic stand-alone e-mail programs such as Eudora Lite are available for free on the Internet, while more powerful versions such as Eudora Pro can be purchased in computer stores for \$50 or less. With such software, the sender composes a message, adds the e-mail address of the recipient, connects to the Internet through the ISP, and sends the message on its way. The actual transfer of the message is handled by SMTP (Simple Mail Transfer Protocol), which enables e-mail messages to be exchanged between mail servers in a uniform manner. The message remains in the recipient's mail server until the recipient instructs his or her mail program to retrieve messages, at which time the message is downloaded to the recipient's computer and made to appear on the screen.

If a lawyer is contemplating the use of e-mail to correspond with clients, the question of security must be considered. Some measure of security is afforded by the fact that a unique log-in and password is normally required to send or retrieve e-mail. However, the Internet is not a secure environment, absent encryption, one's e-mail can indeed be read by persons other than the recipient. For example, employees of one's ISP could conceivably gain access to all e-mail sent and received through its mail server. Someone might learn the sender's or recipient's password and thereby have access to their e-mail messages. Likewise, a hacker could also gain access to one's e-mail. In fact, some e-mail providers do offer encryption as part of their service, and cumbersome but effective cryptography software is avail-

continued on page 4

Practical Uses... continued from page three

able on the market. However, as we all realize, there is probably no such thing as absolute, total security.

In general, e-mail does afford a reasonable level of security when compared to other methods of communications; after all, letters, facsimile transmissions, and cordless telephone conversations can be intercepted, and telephones can be tapped, if someone is really intent on doing so. It is recommended that the risks be discussed with clients before e-mail is used for confidential communications.

C. Transfer of Documents Via E-Mail.

One very useful benefit of using e-mail is the ability to "attach" a copy of a formatted document to an e-mail message and send that electronic document to the recipient. All e-mail programs in general use have this capability. Thus, if I have a draft of a 20-page lease on my computer's hard drive or on a disk inserted into my computer, and wish to have the draft reviewed, and perhaps revised, by someone at a remote location, I can send the draft in electronic form by "attaching" it to an e-mail message to the recipient. The recipient can then review and edit the draft, and e-mail the revised version back to me. In fact, not just documents, but video clips, scanned photographs, and even sound clips encoded as text can also be attached to e-mail messages and transferred in similar fashion.

D. USENET Newsgroups.

Just as a group of lawyers seated around a table at lunch often discuss legal topics of common interest to the group, the Internet provides a cyberspace "lunch table" infinitely larger, around which such topics can be discussed. "USENET" Newsgroups provide one such forum, where messages can be posted by Internet users on a particular topic or subject area, such as prisoner's rights. A lawyer with access to the Internet can "subscribe" to a Newsgroup through their ISP (with no subscription charge), and then participate in the discussion by reading messages posted on a virtual bulletin board by others on the particular topic, and by posting messages as well. There are a number of legally-related USENET newsgroups. However, because these are open to postings by non-lawyers and frequently dominated by them, you may find such Newsgroups to be of limited utility.

E. Listserv E-Mail Discussion Groups.

Another benefit of e-mail capability is the availability of electronic mailing lists or "listservs". These systems allow for sending e-mail messages automatically to large groups of recipients simultaneously. As with a Newsgroup, one must subscribe to a listserv mailing list. Thereafter the subscriber will automatically receive via Internet e-mail all messages or information dispatched from or to that mailing list. The particular list may be interactive, allowing subscribers to post messages, or may be non-interactive, being limited to information posted by the entity which set up the mailing list. An example of the latter is a mailing list from Willamette University Law School in Salem, Oregon, which every two weeks provides a brief synopsis of opinions newly issued by the Ninth Circuit Court of Appeals. Interactive listservs may also be moderated (with off-topic, obscene or other postings censored) or un-moderated.

There are hundreds of valuable law related listservs, covering topics ranging from antitrust law to immigration to legal technology. Subscribers tend to be active practitioners in the subject field, giving you instant access to hundreds or thousands of knowledgeable people with whom to exchange ideas and new developments, pose questions, etc. Our Web Links category for "General Legal Materials" includes links to the Findlaw Legal Minds archives of posting to various legal listservs, the Law Related Listservs guide to finding and using listservs, and the ListTool Subscription Manager, making it easy to sign up for the listservs of your choice.

3. Legal Research on the Internet.

A. What Types of Materials are Available?

The Internet makes available to everyone with Internet access an absolutely astounding volume of information. While it may never replace hard-bound books in law libraries, or even proprietary resources such as Westlaw and Lexis, a surprising amount of substantive legal materials are available on the World Wide Web, making it a practical and useful research tool for the lawyer. It also has the advantage of being accessible from any PC connected to the Internet, facilitating work away from the office, where law books, Westlaw and Lexis may not be available.

continued on page 5

Practical Uses... continued from page four

The primary sources of law are constitutions, statutes and administrative regulations, and judicial decisions. Numerous entities, principally governmental agencies and academic organizations, have made federal and state constitutions, statutes, and administrative regulations available and readily accessible on the Internet. Unfortunately, the same thoroughness is not available when it comes to judicial opinions. At best, only relatively recent opinions are available for most jurisdictions, often only those filed within the last two or three years. Other court-related information, however, such as court rules, is generally available and current on the Internet.

Links to these materials are included in our Web Links page, under "Washington Laws, Regulations & Cases" and "Federal Laws, Regulations & Cases". Through these resources, you can search the RCW online, view county and city codes, read state and local court rules, locate and review U.S. Supreme Court decisions, read and print sections from the Code of Federal Regulations, etc.

Particularly for the solo or small firm practitioner, these World Wide Web resources allow access to a wide range of legal materials essentially for free, providing the potential for thousands of dollars of savings compared to the cost of hardbound books, library space, or Westlaw or Lexis charges.

Secondary sources of law, such as treatises, digests, and legal periodicals, are more difficult to find and are generally less complete on the Internet than primary sources of law. This is in large part due to the fact that such material is not in the public domain, as are the primary law sources. Nevertheless, there are numerous secondary law sources available on the Internet, including many law reviews and law journals. These resources can be located through our Web Links page, under "General Legal Materials" and "Legal Search Engines". For example, substantive law directories at sites such as CataLaw, Cornell and Findlaw under the former category contain numerous links to substantive materials, while the University Law Review Project under the latter category allows you to perform full text searches of online law review articles.

In addition, governments, courts and other law related organizations are posting their own web sites, providing useful information such as address and phone directories, maps, calendars, etc. The Web Links page includes such sites under "Washington State Court Web Sites", "Washington Legal Resources - Other", "Federal Court Web Sites", and "Federal Legal Resources - Other". Additional valuable sources of information are found at the web sites maintained by our Washington State Bar Association, the ABA, and county bar associations. See our "Bar Association" links.

B. Finding Law on the Internet.

For the World Wide Web to be an effective tool in your everyday law practice, you need to be able to find legal resources quickly and efficiently. All information available on the Internet is located on discreet web pages, each with a unique address, called a URL (Uniform Resource Locator). URLs can become quite unwieldy; for example, one URL containing the Code of Federal Regulations is <http://www.access.gpo.gov/nara/cfr/cfr-table-search.html>. If one had to remember and re-type

the URL for each legal site in order to access it, few of us would bother using the World Wide Web. Fortunately, better means are available.

"The Internet makes available... an absolutely astounding volume of information."

Both of the web browsers in general use, Netscape Navigator and Microsoft Internet Explorer, have a means of recording the URLs of web sites for subsequent visits. These are called "Bookmarks" on Navigator and "Favorites" on Internet Explorer. By means of a keystroke or a mouse click on the appropriate menu item while visiting a web site, one can record the URL for that site. Thereafter, whenever that person wishes to revisit that site, all he or she need do is to go to the Bookmarks or Favorites menu and click on the appropriate item. Building a set of Bookmarks or Favorites for frequently used web sites is one effective way of putting the Internet to work in your practice.

Another method is to use a web page containing an organized set of links to legal information. It is relatively easy to create one of these yourself, using an HTML editing program such as Microsoft FrontPage 98. Alternatively, you can simply find and bookmark a page of links created by someone

continued on page 6

Practical Uses... continued from page five

else and already posted on the World Wide Web, such as the Web Links page being provided with these materials.

One of the World Wide Web's biggest benefits, but also a source of no small amount of frustration, is the fact that web page content is constantly being changed and added to, old pages deleted, new ones added, and URL's modified. As a result, any static compilation of web sites and their URLs is doomed to become outdated relatively quickly. A number of well known web sites such as FindLaw (see our Web Links under "General Legal Materials") make it their business to keep their links up to date, adding access to new materials as they become available. Thus, even if you have developed a good set of bookmarks of your own, it pays to visit these web sites periodically to see "what's new".

In addition to bookmark collections, directory pages and substantive directories such as Findlaw, the World Wide Web also allows you to find relevant materials through the use of web "search engines". These search engines use sophisticated computer programs to identify web sites around the world and build databases of information about their URL's and content. A user can then feed search words into the engine, and receive back a listing of web pages meeting the criteria of the search, complete with extracts of their content and hot-linked URL's to facilitate an immediate visit to the actual page for more information. Some search engines employ Boolean search terms ("and", "or", "not", etc.) similar to those used with traditional Westlaw and Lexis, while others employ natural language or "plain English" searching.

On our Web Links page, we have provided links to two groups of search engines. "General WWW Search Engines" include sites such as Alta Vista, Excite and Infoseek, whose search engine databases include millions of pages across the whole World Wide Web. While comprehensive, these sites can also overwhelm you with hundreds or thousands of search "hits". "Legal Search Engines" such as Lawcrawler limit their search databases to legally-related web sites, helping to eliminate irrelevant material in legal searches.

C. Other Useful World Wide Web Resources

Potential uses for the World Wide Web in the everyday practice of law are not limited to web sites containing substantive legal materials. Suppose that you have a case in the King County Mandatory Arbitration track and receive a list of five proposed attorney arbitrators, none of whom sound remotely familiar. One option is to walk around the office looking for input, or call a friend. Wouldn't it be more efficient and effective to look them up in the online versions of Martindale Hubbell and West's Legal Directory? See our Web Links page under "Attorneys & Law Firms".

Or suppose that you are bringing a lawsuit against a corporate defendant, and need the name and address of their registered agent. You or your legal assistant could spend 20 minutes on hold with the Secretary of State's office, or you could find the information by simply searching the corporations database on the World Wide Web. Not sure if the defendant is incorporated? Search the Department of Revenue's database of taxpayers, which includes "d/b/a" names. See our Web Links page under "Public Records".

Have you been asked to represent (or bring a lawsuit against) a party who has been in the news lately? Can't remember what those news reports said? Why not search the database of Seattle Times or Puget Sound Business Journal Articles, accessible under "News Sources" on our Web Links page?

Perhaps you need to locate a witness in a case. Your client thinks the witness may be living in the Bellingham area, but is not sure. You could look through your library of hardbound phone books, if you have one, or call telephone company information and start guessing as to the city of residence. Wouldn't it be more efficient to search these directories online, with the ability to search an entire county or state at one time? Or suppose that you have a phone number or address, and need to know who resides there. Reverse directories available on the World Wide Web can answer your questions. See our links under "Find People & Businesses".

Or assume that you have been asked to become involved in representing or opposing a company whose stock is traded over NASDAQ or another

continued on page 7

Practical Uses... continued from page six

stock exchange. You could call your stock broker or the company to request a copy of their most recent annual report for background information, but that could take days or weeks to arrive. All public companies must now make their SEC filings online. Through the EDGAR system available on the World Wide Web, you can locate and read these quarterly and annual reports online. Through other web sites, you can check stock prices, review news articles about the company, locate the company's own web site, etc. In a matter of minutes using the World Wide Web and your PC, you can learn more about a company than could have been obtained in days of searching only a few years ago. See our links under "Stock & Company Information".

Finally, as lawyers we often need to get up to speed on non-legal information in order to cross-examine medical witnesses, understand our client's business needs, determine the value of motor vehicles, confirm currency exchange rates, find out what happened to our Federal Express packages, etc. This information is often at our finger tips, if we just know where to find it on the World Wide Web. Examples can be found in our links under "General WWW Resources".

4. Conclusion

Can you practice law without using the Internet? Of course, people have done so for years. But can

you practice law efficiently, retain your existing clients and market yourself effectively to new ones without developing Internet skills and making the Web one of your every day tools? Will the answer be the same in the year 2000, now less than two years away? You may not want to bet your career on a "no" response.



Authors:

Jerry W. Spoonemore, Willamette University, BA, University of Washington, JD, practices in Seattle, Washington and can be contacted at jws@halcyon.com.

Dean A. Messmer, Stanford, BA, Duke University, JD is the managing principal of his law firm in Seattle, Washington. He served as chair of the WSBA Law Office Management and Technology Section in 1996-1997. He can be contacted at messmer@lasher.com. This article was reprinted with the permission of the authors and the Washington State Bar Association's CLE program.

Ed. Note:

Although the authors use their home state of Washington as examples, the comments apply equally to Oregon Web sites.

This article is no longer posted on the web, although an updated set of web links is still posted at:

<http://www.wsba.org/sections/lpm-lawlinks.html>

OSB Law Practice Management Section and OLMA

LEGAL TECH EXPO '99: TECHNOLOGY FORECAST

Featuring Keynote Presentation by Daniel Burk

Two Concurrent Tracks

Track 1: "Maximizing Your Technology Investment"

Track 2: "Technology Tool Box"

■ Services & Equipment Show ■ CLE Accredited ■ Networking ■ Prizes and Refreshments

For further information, Call: David O'Brien (503) 224-4507 or Dan Leach (503) 222-1812

*The Law Office
Technology
Event of the Year*



Friday, April 16, 1999

Oregon Convention Center Portland, Oregon

5.5 MCLE Credits (2 Ethics) pending

**Visit our
Y2K
Booth !**

Characteristics of Successful Law Firms

by Ezra Tom Clark, Jr.

Hardly a week goes by without reports about partners or groups of partners abandoning their firm to start a new firm or join another. Some lawyers justify their departures by citing disputes about compensation, lack of direction or vision, management conflicts, clashes regarding values and philosophies, and concerns about firm productivity and profitability. Of course, these may be a lawyer's ostensible reasons for bolting a firm, but the deeper reason, which should concern all attorneys who practice in a law firm, is the growing perception among successful lawyers that their firm provides little or no value to them.

The problem can be stated simply: "How does a firm offer value in excess of the sum of its parts?" In other words, can a law firm as an institution acquire a measure of value that is independent of the skills, talents and contributions of its partners?

This question can be answered only by analyzing the advantages that a law firm has over a sole practitioner or a group of lawyers who share only overhead. There are a number of possible answers, including the following:

- Shared skills and expertise
- Backup or additional help when needed
- Shared resources, such as technology, library, forms, research and other work product
- Cross-selling and/or referral of work
- Expertise and access to others with different disciplines
- Use of highly trained associates, legal assistants and support staff
- A brand name or firm reputation that makes marketing easier
- More sophisticated and skilled management
- Opportunities for individual lawyers to become highly specialized
- A system of partner coaching to bring out the best in each partner
- Emotional support, encouragement and personal recognition
- Flexibility to allow lawyers to be more involved in pro bono, community and bar

activities

- Continuation of existence beyond that of current owners

Few firms provide all of these advantages effectively. However, without the "firm," advantages that a partner believes are important, it is unlikely that he or she will stay with the firm.

Most successful and dynamic law firms have certain characteristics or hallmarks that distinguish them from their competitors. Some of these are listed below:

Competent, Hard-Working, Focused Lawyers

A law firm cannot operate as a collection of practices that have no interaction with one another. When individual practices merely exist under the same roof, internal competition, hoarding of work, jealousy and suspicion develop. Successful law firms must have a focus or *raison d'être*, and each lawyer should develop specialized expertise consistent with the firm's mission. Focused law firms will have significant marketing advantages because they will know what they are marketing. They will also be able to use technology, personnel, value pricing more effectively and will be able to respond to changing economic and political considerations much better than firms that continue to have a general practice or full-service mentality.

Commitment to Quality

Successful firms recognize that "quality work" has a dual meaning: technical quality (how good is the work?) And service quality (did the client have a positive experience dealing with the firm?). Unfortunately, quality work in most law firms is like Justice Potter Stewart's informal definition of obscenity: "You know it when you see it." This ad hoc and subjective approach to quality legal work exists because no standards or evaluation procedures exist in most firms. Service quality, which clients are increasingly demanding, can be determined only by regular client and matter performance evaluations. Clients value lawyers and law firms who know how to communicate and are sensitive to their needs and concerns.

continued on page 9

Characteristics... continued from page eight

Collegiality and Esprit de Corps

Successful firms have a team attitude and spirit, including a willingness to share work and clients. Firms with this attribute are composed of lawyers who care about and respect the persons for whom and with whom they work, trust their employees to be smart and use initiative and ask for genuine input regarding changes or challenges.

Loyalty

Fragmenting firms are plagued by declining allegiance to the firm and its lawyers and the failure to keep confidences and build relationships. Loyalty is strengthened when individuals are respected, trusted, involved in the process of making decisions that impact them; when credit and decision making are shared; when there is recognition for a job well-done; and when there are honest, fair and consistent relationships. Loyalty evaporates when secrecy, poor communication and pseudo caste systems exist among associates and partners or among staff and lawyers. The typical symptoms of disloyalty and distrust typically are a lack of interest in the firm, reduced productivity, high turnover, poor attendance at firm meetings or activities, lack of cross-selling and a fear of expressing opinions because of possible retribution.

Leadership (More Than a Title)

Most flagging law firms have poor or weak leadership. Effective leadership involves spending time to articulate firm goals and objectives and motivating partners and employees of the firm to embrace those goals and objectives. In addition, it requires example, consensus-building, fairness, patience and good communication skills. Many firms have leaders, but lack leadership. Leaders who exercise leadership must establish a sense of direction and maintain the firm's focus. Leaders must avoid the temptation to place themselves above others. Conversely, leaders must provide for succession and their own eventual replacement. Most important, effective leaders subordinate their own interests to those of the firm.

Accountability

Successful law firms encourage and demand responsibility for their members' positive and negative acts. A lack of accountability breeds apathy, sloth and frustration. Accountability is illusory until firm policies and standards have been

defined and each partner and employee is willing to voluntarily abide by them. In many firms, lawyers-particularly associates-simply do not understand what is expected. Successful firms have written partnership agreements established, yet fair criteria for partnership and written policies and procedures.

Financial Generosity of Most Productive Lawyers

In many firms, the most productive lawyers do not always receive all the financial rewards they have earned. The concept of a firm necessitates sharing with others. This attribute is frequently weak or missing in firms with an "eat what you kill" compensation system or one that primarily rewards individual performance and profitability.

Sense of Fairness or "Rough Justice"

Successful firms realize that not all decisions can be made objectively. Many decisions must be based on subjective factors-including a rough sense of justice. A law firm cannot ensure that everyone is happy all the time. Disagreements occur in healthy firms. Most important, however, is that everyone feels that he or she is being treated fairly most of the time. Subjective compensation systems are essential components in firms with a "rough justice" philosophy.

Willingness to Place the Interests of the Firm Ahead of Personal Interests

Selfishness and an unwillingness to compromise weakens and ultimately destroys law firms. Individuals must subordinate individual interests and personal aspirations for the good of the whole. Consensus legitimizes important decisions. However, consensus-building can go too far and paralyze a firm. All decisions do not need unanimous consent or agreement. In too many firms, an individual's willingness to place the good of the firm above more parochial interests is declining.

An Understanding of What the Firm Is and Where It Is Going

Lack of direction is a serious weakness in many firms. There must be common goals and aspirations which lawyers and staff understand. In addition there must be a sense of vision or direction. Yogi Berra understood this principle when he said, "If you don't know where you are going, you might end up somewhere else."

continued on page 10

Characteristics... continued from page nine

Progressive Attitude and Spirit

The status quo often stymies creativity, new opportunities and new challenges. A proactive approach must be used to resolve problems and react to opportunities. In many firms there is a reactive approach to resolving most problems and disputes, an "if it ain't broke, it doesn't need to be fixed" attitude. In a competitive marketplace, firms with an entrepreneurial spirit and a willingness to take reasonable risks will thrive and prosper.

Client Driven

The well-known business maxim "the client always comes first" applies to law firms. All decisions and efforts must be focused on what is in the best long-term interests of clients. Client communication, service and needs are paramount concerns in firms with this attribute.

Culture

The firm's culture is a complex but usually cohesive amalgam of a firm's ideas, customs, values, personalities, backgrounds, relationships and skills. It is honed over time, reshaped periodically by internal and external factors, and manifested in its lawyers and how they practice and relate with each other. It reveals itself in how decisions are made, the work ethic, communication styles, how information is shared, the ethics of the firm and individual lawyers, attorney relationships, significance of meritocracy in advancement, morale, the reward system and how employees are treated and recognized. In many firms it is difficult to define the culture because of this amorphous mix of components.

Not all cultures are perceived positively. Some firms are termed "sweatshops," "clubby" or "white shoe."

The failure of a firm to define its culture is often one of the reasons for high turnover, lack of direction or internal conflict and disputes.

Diversity

Firms must have a respect for diversity regarding ideas, gender, age, ethnic background, religion and education. Excessive diversity may pose a threat to some firms, particularly if differences undermine core values or the culture of the firm.

A group of lawyers becomes a firm to the extent there is some sense of common purpose, common approaches and shared values. They must be willing to help each other out in the many small ways that are the essence of a legal practice, i.e., assistance, cooperation, support and mutual encouragement. This does not mean that everyone has to be best friends and have similar interests and personal goals. However, unless a firm is more than a compensation arrangement, it is doomed to have many problems and defections.



Ezra Tom Clark, Jr., is a former practicing attorney and managing attorney of a major Phoenix firm. He is president of E. T. Clark, Inc., P.O. Box 30248, Mesa, AZ 85275-0248, (602) 890-1122, a law firm management consulting firm that assists firms with many of the issues raised in this article.

Reprinted with permission from Law Office Management, April 1998

"It's hard to detect good luck – it looks so much like something you've earned."

– Fred A. Clark

Highlights

Executive Committee Meetings

November 20, 1998

- The committee decided to continue the process started last year of sending a letter to all new OSB members inviting them to become LPM section members. It was also discussed that it might be of benefit to give all new OSB members their section membership free for their first year.
- David O'Brien reported that the 1999 legal tech show committee is at work. The theme of the show is "Technology Forecast for the 21st Century". Dan Burke will be the keynote speaker. The brochures for sign-up will be mailed in February.
- David Daniel reported that the LPMS website is still under construction at Willamette University web page. There was discussion as to whether the section should get its own domain name and have a site through OSB. About 58% of our section members have email addresses now and this is expected to increase. The site will include links to other state Economics of Practice pages and other resource directories and materials.
- Rob Le Chevallier reported that he is continuing to get input in regard to the possibilities of the internship program. His firm is currently implementing some aspects of it to see how it works.
- CLE program topics were discussed. OLMA has suggested that LPMS do a joint sponsorship of a half-day seminar in January with Ezra Tom Clark who is a noted law firm management consultant. It was agreed that it should be done. Mary Sauer and John Cummins will take the lead in making arrangements with the Portland hotel site and will work on a seminar outline with Tom Clark.

January 8, 1999

- The CLE program with Ezra Tom Clark is set for January 29th at the 5th Avenue Suites Hotel; the registration will be \$50. Announcements of the seminar have been mailed to about 8600 lawyers.
- The committee discussed the LPMS email "list serve" which allows sending email to all members regarding various matters. The committee decided to set up the list serve but to notify LPMS members in the Newsletter that they can opt out of getting the mailings by notifying OSB.
- The legal tech show '99 is well under way. The show will occupy four of the ballrooms at the Convention Center including the space for the vendor exhibits. Registration will start at 7:30. LPMS will host a booth at the show. Eugene Water & Electric Board is making a presentation on the Y2K issue at the show.

- Newsletter editor, Steve Hutchinson, noted that his term as editor will be coming to a close at the end of 1999 and the committee should begin looking for a replacement now so there can be a smooth transition.
- Scott Palmer reported that he had talked to Merv Loya at the U of O Law School in regard to a joint sponsorship of a class on law office management (Lawyering 101 Seminar). Merv indicated that the law school would be interested in working with the section to development and present such a class. The focus would be on practical aspects of practicing law as a business enterprise. LPMS would provide speakers for the class on particular topics.

February 19, 1999

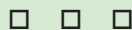
- The January 29th CLE with Tom Clark on law firm leadership was terrific. The evaluation comments from the 90 attendees were uniformly excellent. The complaints were that a half day seminar was not long enough for the topic. There was a lot of audience interaction which was very helpful. Clark was an entertaining and thought provoking speaker. There were many requests to have Tom back to speak on perhaps: 1) Technology; 2) Financial Administration. The sections costs were fairly small on this seminar, but we still didn't break even because of keeping the attendee price so low. We need to balance between holding costs down and at least breaking even on our costs.
- The legal tech show committee is in high gear. The date is April 16th, the speaker is Dan Burke in two sessions dealing with technology forecasts. The emphasis will be on law firm planning for technology, including internet communications, voice recognition and billing for technology equipment and training.
- The Bar asked for designated members of the LPMS committee to be available for testimony at the legislature if topics of interest arise. Scott Palmer will coordinate volunteers.
- David Daniel presented the new upgrade of the LPMS website which currently has links to the OSB site and to the California Bar Association Management section site. It also has the start of access to several of the section newsletters. It is expected that all of the newsletter will eventually be scanned in and available on the site for resource material.
- The Board considered OSB convention planning and CLE program planning for the 1999-2000 year. The section will present another one hour or one and a half hour CLE at the OSB convention this year with approximately the same format as last year, "60 Tips in 60 Minutes". This has been very successful and has packed the room.

Law Practice management Section of the Oregon State Bar emphasizes the administration and managerial side of the profession of practicing law with the following mission:

1. To assist sole practitioners and lawyers in small, medium size, and large law firms to develop better law practice and firm management skills.
2. To enable law firms to improve their profitability in a competitive environment.
3. To help lawyers and law firms adapt to technological change.
4. To assist lawyers and law firms to improve their client service, professionalism, civility and the attorney-client relationship.
5. To provide national law office management resources to members of the section.
6. To work closely with the Oregon Legal Management Association, The Professional Liability Fund, the Young Lawyers Section and the emerging Sole Practitioners and Small Firm Section in realizing such goals.

Oregon Legal Management Association (OLMA) is a volunteer organization working to provide educational opportunities to managerial/administrative personnel in law firms. The Oregon State Bar and OLMA have worked together for many years in the presentation of CLE programs and the promotion of management awareness in attorneys. OLMA serves approximately 100 members across the state.

Association of Legal Administrators (ALA) is a national organization of which OLMA is a chapter. Like OLMA, ALA provides educational opportunities for both attorneys and legal administrative/managerial staff including conferences, educational materials and publications. ALA serves approximately 7,800 members internationally.



Annual Meeting and Executive Committee Meetings

April 2 at OSB
May 14 at Salem
June 25 at Bend
August 6 at Eugene
September at Seaside/ OSB Annual Meeting

Oregon State Bar
**Law Practice Management
Section**
5200 SW Meadows Road
Lake Oswego, OR 97035

Bulk Rate
US Postage
PAID
Portland, OR
Permit #341