

Law Practice Management



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FOCUS: TECHNOLOGY

Using New Web Technology to Increase the Efficiency & Effectiveness of Your Practice

by Dan Perlow

The legal profession is essentially a profession based not only on information, but how that information is delivered. When laypeople, and even a large numbers of lawyers practicing today, think of delivering information to clients, co-counsel, opposing counsel, or the courts, they immediately think of faxes, courier services, and US Mail or overnight mail services. No matter how one slices it, there is still more of the same thing - paper!

The Web

With the emergence of the Internet, however, and we are only seeing the tip of what some people are phrasing the new industrial revolution, lawyers are increasingly becoming electronically linked with each other, as well as with clients and others in the legal service process. This means more and more information is being exchanged in both a voiceless and paperless manner. Unfortunately, this is not occurring as quickly within the legal profession as it is in other service-oriented businesses. Perhaps the main reason for this is the essence of the profession - traditional, methodic, and competitive.

On the other hand, it is precisely this last reason that is starting to move law firms toward the use of technology. Competition amongst themselves, and for clients, is leading firms to begin to see the advantages of using the Internet. First communicating via email, then by establishing Web Sites. What firms are beginning to find, however, is that clients are actually driving many added client services. Clients continually want to see more and more value for the fees they are paying, in addition to wanting to participate more closely in their matter. One new "Web" area, which is helping to fulfill such requirements, is Extranets.

Extranets, "Extrawhat?"

An Extranet is basically a private web site allowing members to communicate and collaborate online over the Internet in a secure environment. An Extranet account can be set up for anyone with whom the firm needs, or wants, to communicate electronically. What makes an Extranet attractive is that it is Web based where users only need a standard Web browser (Netscape or Internet

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Message From the Chair

Our first child celebrated his first birthday just the other day, forcing me to take a look back at an amazing year of sleepless nights and beaming smiles. On occasions like this, I can't help but reflect on what really is important as I turn my attention to the future. Recently, I started my tenure as Chair of the Oregon State Bar's Law Practice Management Section (LPMS). As I shake off the fear of this added responsibility, I am excited with the prospect of helping LPMS members develop their practices for the future.

Somewhere along the line we all realize that the practice of law is a business. Like any business, there are certain ends that must be achieved, such as meeting the needs of our clients. In so doing, you have to address issues of overhead, staff, office space, technology, marketing, and advertising continually. One thing everyone is learning in the Information Age: nothing stays the same. Your upgrade concerns aren't over when you buy a new computer system. Likewise, your management responsibilities don't end when you proudly stash your business plan away in some file cabinet.

Law practice management is a skill you can no longer avoid developing. You may know a certain area of law better than anyone in town, but managing your law firm is a completely different matter. I assume you are reading this article because you are (whether you like it or not) more than a legal technician. They didn't teach you how to manage your practice in law school, but you don't have to figure it all out by yourself now. There are tremendous resources available to you, of which, LPMS is one.

My tenure as Chair marks the beginning of my fourth year of involvement with the LPMS Executive Committee. I have been very fortunate to be a member of the Executive Committee led by outstanding Past-Chairs Scott Palmer, Rob LeChevalier and Carol Wilson, and blessed by its association with the Oregon Legal Management Association (OLMA), whose members deal with the pressing issues of law office management on a daily basis. The measure of my success as Chair will rest in my ability to carry out the Committee's vision of providing quality guidance, information and direction in the area of law practice management to LPMS members. I look forward to meeting the challenge.

Sincerely,

David P. O'Brien
Chair



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Explorer) to access the system.

A properly designed Extranet will control the access rights of users on the system. In other words, how does the law firm want particular individuals to be able to participate within the system, whether it is viewing a document, editing a document, joining a conference room, or viewing a case calendar.

Further, Extranets, with proper monitoring technologies, can serve as a means to verify that participants have accessed data and important case information, thus satisfying any due diligence requirement.

Why an Extranet

Perhaps the most effective use of Extranets is as a vehicle for client communication, not only to manage client expectations, but to exceed them as well. Via an Extranet, clients can receive correspondence, documents, billing information, newsletters and other critical information. Also, if allowed, they can participate in the evolution of documents, whether it is by participating in the editing process or by making comments.

A well-designed firm Extranet also serves as a platform for group collaboration. For example, a group of attorneys working together on a case might set up a virtual conference room containing threaded electronic discussions organized by topic. Rather than having to coordinate schedules and meet to share perspectives on strategy, those attorneys can share thoughts via the electronic conference, at times most convenient to them, from virtually anywhere.

Corporate clients increasingly are insisting on this service, and more and more firms are seeing requests for this type of technology in the RFP process. Indeed, more than one account has been won or lost solely on the basis of the firm's ability to employ electronic technology. As Web technology continues to replace older forms of communication, this trend will continue to increase.

Why Not Email

The use of email is probably one of the fastest growing areas of the Internet, and certainly has its place as far as a simple and effective form of communication. With regard to the ability to participate in a truly collaborative environment, however, email has many limitations. For example, say an attorney wants to send a document to several different parties. By attaching that document and sending it to all the parties, the attorney risks getting that many different versions in return, in addition to all the comments the parties will make on the document. The attorney then has to incorporate all of the changes or requests, and start the process all over. Also, the parties are not truly collaborating as they do not see other comments and do not get to share in the knowledge all parties bring to the matter.

Email also does not provide one with a true determination as to whether or not the recipient accessed and viewed the document sent to them. Sure, the sender knows they sent the email and attached document, and (assuming they addressed it properly) that the intended recipient received it, but they really cannot be sure that the recipient opened and read the attachment. As mentioned above, a properly designed Extranet will provide for users to verify that participants have accessed data and important case information.

Then there is the security issue, discussed more in depth below. Firms can utilize a virtual private network (VPN) with email, but that only satisfies the security issue at the transfer level, not where the document, on either end, is stored.

Available, Easy

One need not be a "visionary" to leverage this technology and market their firm to both current and prospective clients. Fortunately, the technology is widely available and easily learned, unlike a lot of "cutting edge" software.

An Extranet makes an attorney more accessible to the client, yet provides the attorney with some cushion to manage the communication. For example, a client on the West Coast wishes to ask a question of her attorney on the East Coast. Rather than worrying about time zones and having to deal with "phone tag," the client can post the question on the secure Extranet. The attorney, who has set aside time at regular intervals throughout each day to manage client communications on the Extranet, finds the question, sends the client a message that he is working on a response and begins to formulate an answer. When ready, the attorney posts the answer to the client's question. The answer might be a simple message, or it might be a detailed memo, including electronic links to other sources. From the client side, the client does not need to be concerned whether or not their attorney is at their desk or in the office. On the other hand, an attorney does not have to worry about calling the office to check for messages or about a stack of messages on the desk upon returning to the office. Neither party has to deal with interruptions to their schedules. The Extranet allows both client and attorney to communicate effectively and efficiently.

The benefits of such technology are probably obvious. Disbursements are a continual nuisance, whether it is the client who is being charged for long-distance phones, overnight mailings, facsimile transmissions, or courier services, or the law firm that is absorbing those costs.

Since clients ultimately end up paying for these more expensive means of communication, it is no wonder more are insisting on the availability of electronic media. Why fax or Federal Express documents when you can post to your Extranet, open and view within the browser, and ver-

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ify that your client received pertinent case information? Further, why generate multiple copies and drafts of documents for dispersal, when one can securely download and view a document to an Extranet and upload it as version two. Likewise, by employing an Intranet a firm can save on the costs associated with publishing internal information to all firm employees, such as client mailing lists or attorney directories.

So How Much?

The cost of establishing an Intranet and Extranet has a wide range. At one end of the scale, a firm can go it alone and install all the hardware necessary to host the system and hire information systems personnel to design, run, and administer their Extranet. This however, can run well into six figures, and long before the Extranet is fully developed. On the other end, a firm can hire an outside vendor to design, maintain and host the system on secure external servers. This route can also be expensive if the firm asks for someone to design and build an Extranet from scratch. Many firms that are currently moving towards having an Extranet are looking at vendors who provide a turnkey model. Here the firm pays a licensing and hosting fee to access a secure server, and the firm only needs a standard Web browser.

The ability to outsource allows smaller firms to compete head-to-head with large firms in providing clients with such services. Depending on the Extranet provider, firms can be utilizing a fully functional Extranet in a matter of days, and are benefiting from the technology immediately, and the only outside purchase was a Web browser.

If a firm brings the system in-house, there is a need for meticulous planning, coordinating of schedules, and for the law firms themselves to monitor Intranet and Extranet activity to guard against intruders and to maintain the network. Of course, the premise of having a network accessible via the Web begs the question: What about security against intruders?

Security

Security is of primary importance to anyone using the Internet for business purposes, and whether a firm's Extranet is hosted within the firm's four walls, or by a third party, security needs to be addressed at three levels: The Network level, the Application level, and the Transmission level.

At the network level, a robust firewall solution and secure gateway offering clients strong protection from potential eavesdroppers and hackers is absolutely necessary. These servers also need to be monitored for up time and against potential network intrusion 24 hours a day, seven days a week. Firms must determine if they have the financial and technical resources to bring this in-house or outsource the expertise to a third party.

At the application level, firms must guard against potential system abuses. Properly constructed Extranets will incorporate token sessions, expiring session IDs, access and authentication control, URL verification, prompted password changes, and a log-in auditing and tracking system. Once again, a firm needs to decide if this is within their core capability.

When a law firm or corporate legal department establishes an Extranet, the organization is prompted to designate one or more members as an administrator(s). The administrator(s) sets management policies, user roles and access rights within the Extranet. Administrators are responsible for adding, modifying and deleting user profiles and cases within and determining user access rights within a given case. As for the transmission of information, this should be encrypted always.

Encryption is defined as the process of encoding data so that it cannot be read by anyone but the intended recipient. In the case of Secure Socket Layer (SSL), encrypted messages are personal between the user's web browser and the server to which the user is logged on. Even though data passing between the two parties using SSL could conceivably be intercepted over a public network such as the Internet, the body of the transmission would be unreadable to a third party.

SSL protects the parties to a communication from forgeries and tampering with the contents of an encrypted message. If a person attempts to alter an encrypted transmission midstream, the transmission will not properly decrypt, thereby alerting the recipient to the tampering.

An effective Extranet employs the above security measures to keep the masses out – only those with the proper access rights to specific information are let in. Still, most security breaches and threats are internal rather than external, and firms should employ policies and practices that will facilitate security objectives.

These types of security requirements are another reason many firms, and Fortune 100 companies for that matter, outsource their Internet hosting needs. But this is another example of how smaller firms can compete with large firms on the technology playing field.

Step In Gradually

As the popularity of Extranets increases rapidly, Extranet applications – traditional applications with Web "front-ends" – are being developed. The technology is becoming so ubiquitous that one can bank on its continual development and improvement. It will not be long before virtually all business applications will be Web compatible. (And "middleware" applications can allow access to older programs.)

Law firms, however, may be wise to step in gradually. Technological change, like any major change, comes with some organizational culture shock. Law firms, and attor-

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neys in particular, have developed their current means of communication over many years. Therefore, it may be unreasonable to expect people to adapt to the new electronic environments overnight.

Fortunately, Web technology can be adopted in easily digestible portions. For example, a firm might wish to start with a simple Intranet for use within the firm. Here they can provide firm members with lists of addresses and phone numbers via the Web. Or the firm client may want to use an Extranet to transfer documents. As users become accustomed to the technology, additional systems can be activated. Web technology is ideal for such a migration because it is so flexible and in continual development.

To gain the greatest benefits of collaborative technology, firms will be wise to educate their staffs on effective ways

to share information. Attorneys operate in highly competitive, distributive environments and are trained to manipulate information to their clients' advantage. A high degree of trust is required to build a high-performance team environment because people will

not openly share information when they have reason to fear it might be turned against them, or that sharing will not be reciprocated.

Building a high-performance team requires much work.

To compete effectively in the

next century, law firms will need to do all they can to manage their top resources: information and knowledge.



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"The ability to outsource allows smaller firms to compete head-to-head with large firms in providing clients with such services."

VOX HUMANA? Voice Recognition Software Makes You George Jetson

By Steve Saxon

It was a day many thought would never come: Talking to machines that understand language. The thought conjures "2001: A Space Odyssey" – only the machines are benign. But now speech recognition software allows for the free flow of thought, without mechanical obstacles like the computer keyboard.

Commercially available speech recognition has actually been around for years, but until recently it was always discrete speech – a technique that required users to speak discreetly, one word at a time: It-was-very-cumbersome-and-tedious-process-that-could-make-you-sound-and-feel-like-a-robot. As a result, early speech recognition products did not provide the accuracy, speed, ease-of-use, and functionality required for widespread market acceptance.

Now things are different. Speech recognition software is undergoing continuing enhancements to meet the needs of specialized markets, with the legal profession receiving considerable attention. The result: Speech recognition is not simply a dictation program; it provides a remarkable sophisticated environment for creating, editing, and formatting documents to support lawyers and the people they work with.

For example, some providers, Dragon Systems (Dragon NaturallySpeaking Legal Suite) and Lernout & Hauspie (L&H Voice Xpress for Legal), have released customized editions for lawyers. These products are programmed with a legal vocabulary – including court names, case history,

and weight of authority, Latin and French phrases, litigation documents, hyphenates, reporters, and abbreviations.

Most software providers allow you to work within a framework to add your own vocabulary, with client names, acronyms, locations, and other terms specific to your practice. This task may sound formidable, but it's actually simple and nearly transparent.: you feed the speech recognition software a selection of documents from your hard disk, and it automatically creates a vocabulary for the way you write. The words are added with their correct spelling, pronunciation, and language usage for greater accuracy.

These systems can also increase their own usability by allowing users to dictate straight in to existing macros by simple asking their machines to do so.

Speech Recognition's Place in the Legal Industry

Speech recognition software allows lawyers to quickly create briefs, time-and-billing records, correspondence, and e-mail – the whole range of documentation associated with a law practice. Everything attorneys and staff members would type can now be dictated with ease in a fraction of the previous time and cost.

Staff members can dictate directly into virtually any word processing applications – as well as any other Windows-

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based application. They can also use the power of speech to maneuver around the computer, without even touching the keyboard or mouse – a truly liberating feature for the disabled (and handy for the computer illiterate).

Removes Obstacles to Creativity

Speech recognition is clearly a process improvement – there's no distraction of the keyboard, yet you're able to see your work on the computer screen. But there's something else: an effortless way to capture thoughts, without having to deal with the mechanics of getting words into the computer.

Operation is hands-free, which means that while attorneys are dictating, they can also be reviewing documents. They can pace or lean back in their chairs – whatever makes them comfortable and productive.

Many lawyers find that there is something very liberative about speaking into the microphone in a normal voice and seeing their words appear on the screen. Speaking naturally seems to trigger the creative process – or at the very least, make their comments more expansive.

And, the technology allows mobile productivity to make a giant step. Using continuous speech recognition, recordings become formatted documents without the need for time-consuming transcription. Users can quickly and easily create, edit, and format documents by speaking into a compatible pocket recorder. When the user returns to the office, the recording device is connected to the PC, which generates a transcript and executes commands for formatting and editing.

Impact on a Law Practice

In addition to the benefits for individual users, speech recognition can transform the workflow and dynamics of a law office. For attorneys, it means new opportunities – from low overhead in start-ups to faster turnaround and greater productivity in established firms.

Clients also appreciate the fast turn-around. Within minutes, attorneys can compose and e-mail a letter following a client call. Contrast this with the time required to complete a transcribed letter – in a busy office, it could be a week or even longer before it goes out.

In the same time it would have taken to dictate a message into a recording device, lawyers can now quickly and easily generate rough drafts of text. These can be saved on a diskette or emailed to a secretary for formatting and cleanup work. At least 50 percent or more of a secretary's time is spent on dictation. With the advent of speech recognition software comes an awareness that time spent typing is better spent on much valuable work such as sending bills to clients, coordinating schedules, and preparing lists of witnesses – work that helps drive the business.

This brings up another point: while you can't bill for typing, you can bill for legitimate paralegal work. Speech recognition can free an administrative staff to handle the time-consuming but essential boilerplate work typical in a law practice such as creating straightforward letters and discovery, conducting inquiries, preparing subpoenas, and organizing files.

Training Your Computer

Speaking to a computer takes a little getting used to, although it's nowhere near as time-consuming as learning to use a keyboard productively. It's mostly common sense – don't mumble or whisper, and speak at an even pace. Also, keep in mind that the computer may try to recognize sounds like "umm," "ahh" as legitimate words. Some attorneys have reported that accuracy actually declines when speaking too slowly because the software thinks you are pausing between words. Some attorneys prepare a brief outline of what they plan to say, including all the points they want to raise in each paragraph. They use the outline to guide their thought process, and rely on their natural speaking skills to create complete sentences.

It helps to have a sense of humor the first few times you use speech-recognition software. When it hears unfamiliar words for the first time, the results can be unpredictable – sometimes hysterical. However, it learns fast – and unlike a human assistant, once it is corrected, it never forgets.

One of the most interesting characteristics of speech-recognition software is its self-training ability. Unlike traditional PC software, the performance of speech recognition software gets better the more it is used. The software learns to recognize the tone and inflections of user's voices, even when they speak rapidly, much as a secretary or transcriptionist would learn to recognize a familiar voice on tape. The software systems aren't perfect – errors do occur, but they normally diminish over time, and can usually be traced to unfamiliar words or a changing in dictation style.

It can take several weeks to train any speech-recognition software. Typically after one week user can expect to be dictation effectively more than 90 words per minute. This is about the upper limit for most transcriptionists/secretaries, and double or triple what most attorneys could hope to archive by typing.

What's Next

These are exciting times for the speech-recognition industry. A wave of new products and enhancements are coming from companies such as dragon, IBM, and Lernout & Hauspie (formally Kurzweil). There are also a growing number of role player and resellers, integrators and consultants – focused on developing specialized solutions for the legal community. And these effective voice-recognition systems should integrate with existing law office applications such as case management and billing systems.

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Adventures in Mobility

These systems can do more to make a law office efficient than bypassing the transcription stage of document creation. Many possess the ability to create and store tasks for future use. For example, one allows dictated message to be put to work to send e-mail, schedule meetings, or perform other useful tasks.

Ideas and action items are captured in advance – users simply state what they want done into a portable hand-held recorder. The organization software responds to commands, such as “send an e-mail to <name>,” “schedule an appointment at <time>,” “create a task,” “enter a note,” and more, followed by the dictated text. The system recognizes the text and identifies the spoken commands.

When users return to their offices, they connect to recorder to the PC and instruct the software to process the recorded actions. The software not only transcribes the speech, but also parses and interprets the information. Then after a quick approval by the user, the software executes the requested actions, such as scheduling phone calls with specified contacts and sending e-mail, including attaching a document from the users disk (which could have been dictated into the recorder earlier).

Natural Language processing

The latest breakthrough in the voice-recognition industry is natural language processing – the ability for computers to recognize a wide variety of intuitive instructions, rather than forcing users to memorize specific commands. Actions can be performed using the same natural lan-

guage that one might use with a human assistant. Think “The Jetsons” – as this technology becomes mainstream users will have an intuitive relationship with their cars and other machines – even their household appliances.

Speech Networks

Speech recognition in a network setting offers benefits over and above those experienced by individual users. Since speech files are transcribed and stored on a server rather than on a user’s PC, speech files can also be shared by multiple users with proper authorization. This allows files to be dictated by one user and saved in a directory on the server for future editing and clean-up word by an associated, a typical division of labor between an attorney and a secretary.

Networked speech recognition enable customized, speech-enabling environments to be created for the department or an entire organization. Templates, macros, and vocabulary can be shared by all users, or among subsets of users based on their speciality and requirements.

Speech recognition is here. As it improves, it will become a staple in the law firm technology tool kit. Firms that start experimenting with its capabilities now will be more prepared for the future.



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Editor’s Notes

by Steve Hutchinson

This is my last edition of the Law Practice Management Newsletter as it's Editor. With this issue, I will be passing the Editorial duties to Scott Palmer. Scott will be the new Editor for the start of the millennium in the year 2000 with his first edition being the Winter Newsletter to be published in February 2000.

I have enjoyed having the opportunity to get the printers ink flowing as Editor of the Newsletter. I started with the edition of July 1996 and have now completed 3 1/2 years directing the publication. A great benefit of the job has been the learning that has come from reviewing and editing the excellent articles from a variety of authors. In my view, this Newsletter provides a great service to the private practice sector of the Bar by highlighting in a brief and readable format current developments and advancements in administration, management and systems for the practice of law. I hope you have found it helpful too.



Upcoming CLE

Oregon State Bar Continuing Legal Education presents:

Using the Internet for Legal Research with Leigh Webber

Friday, February 11, 2000

Oregon Convention Center, Portland

9:00 am - 4:15 pm

6 MCLE credits (pending)

For more information, or to register, call OSB CLE at 503-684-7413, or toll-free in Oregon at 1-800-452-8260, ext. 413.

Highlights Executive Committee Meetings

August 6, 1999

- The Board discussed the number of Members in the Section and the continuing cost of putting on subsidized CLE's. The Board decided to propose to the Membership a raise in the dues to the amount of \$15. This will be presented at the Section meeting in September.
- The board then discussed nominees for Board positions. David O'Brien as Chair of the nominating committee proposed the following: Stephen A. Hutchinson for Chair Elect, Craig Edwards for Secretary, Jan Stuemke for Secretary. New Board members were proposed as follows: Evan Boone, Fern Puls, Angela Spell. The nominating committee will review the list of expiring terms on the Board to fill positions that are currently vacant and to check that we have the correct number from OLMA.
- The Board discussed the cost of printing the Newsletter and the options that may be available to reduce that cost including providing some advertising to defray the cost. Other sections do this. Scott Palmer agreed that he will take over as Editor of the Newsletter commencing with the year 2000. He agreed that he will take that position for at least one (1) year and David O'Brien agreed to follow as the next Editor after that.
- The section will produce its "six (6) tips in sixty (60) minutes" CLE at the Bar Convention. We will have a bigger room this time because of the popularity of this presentation. Dee Crocker will be master of ceremonies.
- The section brochure is ready to be printed. It looks like IKON will be willing to donate the printing in exchange for its logo and a thank you in the brochure. If we can get this completed for free we will hopefully have the brochures available at the Bar Convention.
- Scott reported that he has been working on the Lawyering 101 plan for a course at the Law Schools. Work has been done on the outline and he can do a newsletter article about it.

September 17, 1999 Annual Meeting

- The Annual Meeting for the Section was held after the CLE presentation at the Bar Convention in Seaside. All of the speakers for the CLE were congratulated on their presentations. The Section provided a Wine and Cheese reception.
- The slate of Officers and Executive Board positions were presented and there being no other nominees the slate was elected unanimously.
- The new chair person David O'Brien indicated that he will propose a meeting dates for the coming year and after feedback from Board Members will set those at the next Executive Board meeting.

Annual Meeting and Executive Committee Meetings

December 3, 1999 at OSB
January 28, 2000 at TBA
March 3, 2000 at TBA

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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.