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THE BOTTOM LINE

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Use guest articles to promote your practice

Turn research and results into story topics

By Geri L. Dreiling

When a lawyer gets a great result, devises a winning strategy, tackles an old issue with a 21st-century twist or develops an approach that helps avoid a legal minefield, the client benefits.

A rainmaking lawyer will also recognize that those successes represent an opportunity to promote his or her practice. The attorney who uses the experience as inspiration for a guest article has a chance to attract additional clients, to grab the attention of lawyers with cases to refer and to improve the practice of law.

The work can be leveraged. If the author retains copyright to the content,

the article can not only be featured in a print publication but can also serve as fresh content for the law firm's Web site, be incorporated into a firm newsletter or be rolled into a continuing legal education handout.

In this article we'll explore the reasons lawyers should publish, where to find story ideas and how to go about getting items in print.

Guest articles showcase expertise

A philosophical riddle asks: "If a tree falls in the forest and no one is around to hear it, does it make a sound?" Most people agree that a sound is made but that it goes unperceived.

Similarly, when a lawyer develops a winning strategy or comes up with a fresh approach to an old issue, generally only the people actually involved in the case are aware of the work. Write an article recounting the experience and broaden your audience.

In addition to amplification, an article is online content. Some law firms have spent thousands and even tens of thousands of dollars on Web sites — but a Web site is not meant to be a monument. Rather, it's a way to communicate. Post the article on the site as a way to keep clients updated. As an added benefit, Internet search engines, which are always on the hunt for fresh content, will soak up the information.

An article benefits both the lawyer

and the legal profession. It represents a chance to showcase the author's expertise and reinforce his or her credibility. It is also a way to contribute to the legal thought and analysis in a particular area of law. An article can help educate young attorneys and the not-so-young lawyer who doesn't specialize in the area being discussed. Even lawyers who are considered experts in a given practice area never stop searching for ways to improve. Finally, a well-written piece has the potential to influence public opinion and affect the way in which justice is administered. In sharing insights and experiences, a lawyer has another opportunity to make a difference.

Spotting story ideas

Topics for articles are as plentiful as the files on a lawyer's desk, as numerous as the phone calls that need to be returned after a vacation. The trick to story ideas is recognizing them.

An article may fall under one of three broad categories: substantive, procedural or strategic, and those that summarize lessons learned in practice.

A substantive article might draw upon a brief that's already been researched and written. Perhaps the issue involves a question of first impression or brings an interesting 21st-century twist to a settled area of law. For example, a lawyer who has done research to determine whether a city could be liable for a collision

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between a Segway and a pedestrian that was blamed on crumbling sidewalks may have a story idea.

The article gives the lawyer a chance to explore related questions. In addition to addressing the issue raised in the case, an attorney might explore the ramifications of the legal ruling. In the Segway example, the author might also discuss what the ruling means for Segway riders and retailers, whether city councils should get to work on passing new traffic laws and how insurers will be affected.

Another option is to write about procedural rules or case strategy. Litigation is as much about complying with procedural rules and making strategic decisions at critical moments as it is about understanding the underlying law.

One dilemma many trial lawyers grapple with is whether to file a case in state or federal court. In the 2007 case *Daugherty v. City of Maryland Heights*, 231 S.W.3d 814 (Mo. 2007), the Missouri Supreme Court ruled that although the state court could look at federal employment law cases in discrimination suits, Missouri would develop its own jurisprudence. This ruling, combined with the facts that summary judgment motions are harder to win in state court and state juries do not have to reach a unanimous verdict, many employment discrimination lawyers in Missouri are now choosing to file their cases in state court when possible.

Employment lawyers aren't the only ones wrestling with the question of whether a case should be filed in state court. After Missouri's venue rules were changed in 2005, making it harder to file personal injury cases in Kansas City and the city of St. Louis, some plaintiffs' lawyers who previously leaned toward filing suit in state trial courts located in large urban areas have had to decide whether to file a state court case in a rural county or to file the case in federal court in the hope of getting a jury pool containing jurors from urban areas. A lawyer who routinely weighs the pros and cons of federal and state litigation could also write an informed article on the topic.

The third category of articles outlines the lessons a lawyer has learned. Most lawyers have been approached by colleagues and asked for advice. The same advice that might be freely dispensed over the phone, during lunch or even in the hallway outside a courtroom can also be turned into an article.

One way to convert a mentoring

session into an article is to use the numbered-list technique, a mainstay of the publishing industry. But instead of writing "Five Strategies for Sticking to Your Diet over the Holiday," a lawyer might want to tackle "Ten Things Every Attorney Should Know Before Hanging Out a Shingle." A commercial litigator might want to write an article discussing five strategies for taking the deposition of a chief executive officer. A mediator might want to outline three ways in which lawyers can make their presentations more effective during mediation.

Steps to getting published

Once a topic has been chosen, the next step is to identify a legal publication that might be a good fit for the article. Lawyers routinely receive state and local bar journals, legal newspapers and magazines published by associations devoted to certain practice areas. Those same media outlets often publish guest articles.

Find the publication's masthead and locate the editor's contact information. Give the editor a call or send an e-mail. Editors like to hear from the lawyers they cover and should be happy to talk to you about your idea.

In addition to outlining the topic idea, the lawyer will also want to go over the submission guidelines. Some of the key questions that must be answered are whether footnotes are preferred or prohibited, the desired length, the article's deadline and whether the author will retain copyright to the article.

Once the editor has given the go-ahead, it is important to set a workable writing schedule. Unfortunately, the schedule of a practicing lawyer can be erratic. The attorney with several upcoming trials on the calendar and a whirlwind of out-of-town depositions set may want to consider hiring a writer to help with the project.

When this collaborative approach is used, the writer works from the lawyer's notes and research and will most likely interview the lawyer for the piece. The result is an article that relies on the lawyer's knowledge, research, experience and vision. The writer assembles the pieces in a way that makes the article accessible to lawyers and nonlawyers alike. The finished product should conform to the submission guidelines and should meet the editorial deadline.

If the lawyer decides to write the piece alone, he or she should give the

draft to someone else to read or, at the very least, set the draft aside for a day or two and then edit it with a fresh perspective.

Once the piece has been turned in, the lawyer should respond promptly to any questions from the editor. Production schedules at most publications are tight, and there isn't much room for delay. If the lawyer takes too long to supply answers, the piece may be dropped.

Print publications may also be skipped altogether. The lawyer might decide to take the piece straight to the Internet and post it on the firm's Web site or even post it to the Web site first and submit it for print publication later. With the Internet, CLE handouts, client newsletters and even blogs, many different publication combinations are available.

That also means plenty of chances to publicize great results, new insights, and innovative legal strategies. Don't hesitate. Seize them.

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You want it when?

By Donald E. Weihl

Client demands have become more and more unrealistic in the past two decades. With the advent of the fax machine, clients became able to send requests and materials for what clients believe to be instantaneous attention.

Electronic mail similarly allowed requests and materials to be transmitted directly to the desk of the recipient with only a few seconds or at most a few minutes in transit.

Next came hand held devices and portable e-mail devices that allow attorneys to retrieve requests and material anywhere internet access is available.

The current electronic culture has instilled in clients the belief that they have instant access to their attorneys.

Couple the instant access belief with cellular technology for voice reception and text messages, and the recipe for clients to pursue their attorneys is written in all too clear terms. Client expectations are at an all time high.

The days when attorneys could satisfy clients with a return telephone call in twenty-four hours are quickly vanishing. What is even more of a problem is that clients have become relentless in pursuit of their attorney by calling the associate working with the attorney on the matter, or the attorney's secretary, and even the receptionist in the office or on the floor where the attorney's office is located.

Today's attorneys need to develop strategies that will give them time to let other attorneys respond or facts develop. At the same time, these strategies must also provide time to think the problem through and consider the alternatives as opposed to being required to shoot from the hip with the first response that comes to mind.

The remainder of this article will deal with specific strategies that will permit breathing room without causing the client to feel the attorney is being unresponsive.

First, early in the attorney/client relationship the client needs to receive information about when and where the attorney can be reached. As an example, when the attorney is in an initial client conference, it needs to be pointed out that the attorney did not permit telephone interruptions. The client needs to be told that when he has an appointment, his allotted time is his and his alone. A follow-up to

that is providing the client the name, telephone number and e-mail address of the attorney's secretary. The client can then be informed that access to the attorney can be scheduled at another appointed time when the allotted time will belong to the client alone.

This strategy permits the attorney to advise his secretary of work priorities that space the attorney's contact with the client in an appropriate manner.

This strategy also solves the problem of using voicemail to screen calls. Voicemail is inadequate to screen today's insistent clients. After leaving the voicemail message, the client then calls the attorney's secretary. If the secretary's voicemail greets the client call, the client either does or does not leave a message and calls the receptionist for information about the whereabouts of both the attorney and the secretary.

Obviously for this strategy to work, the receptionist needs to be trained to refer calls back to the secretary. Similarly, the secretary needs to be trained like a foreign diplomat to make the client feel his urgent need will get attention at the next opportunity of the attorney. Priorities of clients need to be part of secretarial training, and need to be updated several times a day. The secretary also needs to be trained to impart the message that the attorney is not currently available. She is not to provide information about what the attorney is doing or where the attorney is unless the statement that he is out of town or is legitimately in court is truthful.

It goes without saying that the same information the secretary provides about the attorney's whereabouts is on the attorney's voicemail. A simple "hello, this is attorney Jones, I am either away from my desk or out of the office," with a request that the caller leave a name and number is sufficient. The attorney should be checking voicemail sufficiently often that the time of day and date are unnecessary.

Some attorneys have resorted to a voicemail message that isn't necessarily conducive to good diplomacy but does create space for the attorney. An actual recorded message of a St. Louis attorney states as follows: "For attorney, John Smith, please dial *101 - This is John Smith. I am either out of the office, on the phone or away from my desk. I ask that you please leave me a message at the

tone. Please understand that I am away from my office in court very often and it may be later this afternoon or perhaps even tomorrow before I can call you back. If you do not hear from me within 24 hours, I'd ask that you call me again. If you need something right away, please dial 104 and speak to my assistant, Andria. I appreciate your understanding."

The above quoted message is not suggested for your use but may provide the basis for a revised message that is suitable in your practice.

Second, clients should also be counseled at an early stage in the attorney/client relationship to fax materials during business hours and to always call to the fax operator, the receptionist, secretary, etc., to verify the fax has reached the intended recipient. Today's firms often have dozens of attorneys or hundreds of attorneys. Non-business hour faxes may be in with 100 or more pages that have arrived, and faxes occasionally may reach the wrong desk in another attorney's stack of faxes. A fax confirmation received by the client only indicates the fax went through. Where it went after receipt needs confirmation. After the sender receives confirmation that the recipient actually received the fax, the process reverts back to strategy first above where the secretary schedules the response based on the priorities of the day.

Business hour fax materials also deserve the follow-up call referenced above for handling with the same strategy follow through for secretarial scheduling.

Third, clients sending e-mail are able to determine that it was received and when it was opened. The key here is to resist opening the item.

If the attorney knows he does not have the time to deal with the item instantaneously, and knows it won't receive the attention the client expects, the attorney should defer opening it. Instead defer back to strategy first above. Call the secretary and instruct her on priorities. Have the secretary open the e-mail using the attorney's computer and follow the order of priority instructions she has been given. Her response back to the client will then schedule attorney direct client contact at the attorney's next available time.

For strategy Third above, the key is attorney discipline. Discipline is also a factor in First and Second above; however,

the compelling urge to open e-mail is more difficult to resist. When driving, in meetings, and waiting for judges is not the time to deal with client e-mail. When another client is paying for your time at that moment, be all there. Exercising restraint works.

Conclusion

Clients demand responsive-ness. Clients deserve responsiveness. Clients must receive responsiveness. Simultaneously, attorneys need space. Good attorneys make the space and are

still responsive. The above strategies are ripe for attorney adaptation and revision to their specific situations. Attorneys undertaking the process will achieve greater client satisfaction, and personal peace of mind will increase at the same time.

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Clarification of liability for business owners for breach of fiduciary duty claims for 401(k) plans

By Mary Corrigan

Business owners who offer their employees a 401(k) plan have always faced potential liability for actions they take or fail to take in connection with the plan. On February 20, 2008, the U.S. Supreme Court issued a decision that may have far-reaching implications in defining the breadth of this responsibility. In *LaRue v. DeWolff, Boberg & Assoc., Inc.*, 128 S.Ct. 1020 (2008), the Court ruled unanimously that an individual participant in a 401(k) plan may maintain a breach of fiduciary duty claim under the Employee Retirement Income Security Act of 1974 ("ERISA") (the landmark law that contains pension plan requirements), even though the alleged breach affected only the value of his own individual account.

The *LaRue* decision involved a defined contribution plan, which is the most common form of retirement plan offered by employers today. A defined contribution plan promises the participant the value of an individual account at retirement, which is accumulation of the amounts contributed to that account and the investment performance of those contributions. Section 409 of ERISA provides that any person who is a fiduciary with respect to a plan who breaches the responsibilities imposed upon fiduciaries

shall, in addition to other equitable or remedial relief, be personally liable to make good to such plan any losses to the plan resulting from such breach and to restore to such plan any profits of such fiduciary which have been made through use of assets of the plan by the fiduciary. In *LaRue* the petitioner relied on Sections 502(a)(2) and 502(a)(3) of ERISA, which allow plan participants to bring an action for relief under Section 409 and to obtain equitable relief.

Petitioner alleged that the value of the holdings in his 401(k) account had decreased by \$150,000 as a result of his former employer's failure to follow his instructions to move his money to different investments. While the former employer argued that petitioner's claim was essentially one for monetary relief and therefore not recoverable under Section 502(a)(3), petitioner countered that he was not seeking money damages, but rather "wanted the plan to properly reflect that which would be his interest in the plan, but for the breach of the fiduciary duty."

Much of the discussion in *LaRue* focused on an earlier decision in which the Court had rejected a claim for consequential damages brought by a participant in a disability plan that paid

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a fixed level of monthly benefits that were not part of an individual accumulation account. The Court held that *Massachusetts Mut. Life Ins. Co. v. Russell*, 473 U.S. 134, 105 S.Ct. 3085 (1985), was distinguishable from the present case due to the nature of the relief sought. The Court discussed the changing landscape of retirement plans, and it appears that this influenced the Court's decision. The Court in *Russell* determined that fiduciary misconduct must threaten the solvency of the entire plan rather than an individual beneficiary in order to be actionable. However, the Court determined in *LaRue* that the "entire plan" language from *Russell* did not apply to defined contribution plans. Misconduct by the administrators of a fixed benefit plan will not affect an individual's entitlement to a defined benefit unless it creates or enhances the risk of default by the entire plan. Conversely, for defined contribution plans, fiduciary misconduct need not threaten the solvency of the entire plan to reduce benefits below the amount that individual participants would other-

wise receive.

The question arises as to what the *LaRue* decision means for any employer who offers a 401(k) plan as a benefit to employees. ERISA refers to a "fiduciary" as an administrator, officer, trustee or custodian of an employee benefit plan. Employers as plan sponsors have the responsibility to select and monitor the investment and other advisors who help design and maintain their company's retirement programs. Particularly in light of the present state of the economy and the uncertainty in the stock market, business owners/plan fiduciaries should consider the following suggestions to protect themselves from potential claims by individual plan participants:

- Administer the plan in accordance with its terms
- Review and follow investment policies and procedures as prescribed by the terms of the written investment policy statement
- Consider hiring and monitoring an independent investment advisor (if not already provided) to assist with

the selection and routine analysis of investments available under the plan. This includes replacing or expanding investments as warranted.

- Review fiduciary insurance coverage and maintain adequate coverage
- Carefully monitor the performance of any administrator/recordkeeper/pension consultant retained to administer the terms of the plan
- Analyze fees charged by investment funds and all service providers
- Consider the risks and benefits associated with offering or retaining company stock as an investment option under the plan
- Consider having legal counsel perform a mock audit to confirm that plan fiduciaries are meeting their obligations

While no blanket protection exists to prevent a lawsuit by a plan participant, the foregoing suggestions will help to shield business owners/plan fiduciaries from such claims and should help to limit liability in the event of a claim.

Cross-selling legal & other professional services: Ideas for improving the odds for cross-selling success

By John W. Olmstead, MBA Ph.D CMC

I am often asked to help law and other professional service firms design and implement strategic business plans and marketing programs. I also coach many solo and small firm attorneys in practice and personal development matters. In all of these situations the issue of cross-selling always comes up as a desired strategy and goal. However, my experience over the past 30+ years has been that cross-selling is talked about much more than it is effectively put into practice.

In the BTI Consulting Group's 2007 report *Benchmarking Law Firm Marketing and Business Development Strategies*, the section on cross-selling was titled, "Achilles Heel for Law Firms." When BTI interviewed 120 Chief Marketing Officers and Directors of Business Development at leading law firms, they found that only 4 percent of law firms rated themselves

as highly effective in cross-selling, and 77 percent thought they were ineffective. <<http://www.bticonsulting.com/publications/38.htm>>.

My experience and our surveys of our clients and their clients has shown similar results. Cross-selling is talked about a lot and seldom implemented.

Cross-selling can be an effective strategy—but it is not easy and it requires trust, commitment, communication, hard work, dedication, and organizational alignment.

What is Cross-Selling

In essence, cross-selling is selling additional services to an individual or organization that is already an existing client.

David Maister says it best in the book, *The Trusted Advisor*, that he co-authored with Charles Green and Robert Galford, in which he states that:

New relationships are at the very heart of cross-selling. In reality we have two strangers trying to get to know each other, each carrying a heavy burden of real and presumed reputations and expectations. Cross-selling is as much about strangers as it is about relationships. Cross-selling is like meeting your prospective in-laws for the first time.

Typical cross-selling opportunities involve:

1. Level 1 Opportunity

Introducing a new service to a current client individual provided by the servicing attorney. This is the easiest level of cross-selling. In this situation the players in the relationship do not change. The challenge is for the servicing attorney to convince the client that he/she has the requisite content expertise.

2. Level 2 Opportunity

Introducing a new service to a current client individual provided by a different attorney in the servicing law firm. The new player is the new attorney whom the client does not know nor have a relationship. The challenge is to get the client to take the risk and possibly a leap of faith to establish a relationship with the new attorney whom he/she does not know or have any experience with. More than likely the client may already have a relationship with another attorney handling that type of work.

3. Level 3 Opportunity

Introducing an existing service to a new person in a current client's organization—possibly a different department (legal department vs. human resources department). The new player is the new individual in the client organization. The challenge is to get the individual in the client organization with whom the attorney has a relationship to be willing to help the attorney create a relationship with the new player in the client organization as well as the new player willing to take a chance on establishing a relationship with the new attorney who he/she does not know or have any experience.

4. Level 4 Opportunity

Introducing a new service to a new person in a current client's organization provided by a different attorney in the servicing law firm. Two new players exist—the new individual in the client's organization and the new attorney in the law firm organization. Other players involve the individual in the client organization that is currently working with an attorney in the law firm and the attorney in the law firm that is working with this individual. These individuals must serve as gateways or introducers to the two new players. The challenge is to find a way for these individuals take a risk and invest the time and effort in fostering these new relationships.

Challenges and Hurdles

As you can see from these four cross-selling opportunity levels cross-selling involves different challenges that have to be overcome in order to successfully implement cross-selling. Consider the following challenges and hurdles:

1. Relationships take an investment of time and must be nurtured on behalf of the parties making the introductions and connections as well as the parties trying to form the new relationship. Attorneys often want immediate gratification and the "quick

fix" and are unwilling to invest time needed for longer term results. More than a "one-shot" simple introduction is required.

2. Clients hire lawyers not law firms.
3. Cross-selling requires trust on the part of all parties (introducers and new players). A high level of trust must exist within the law firm organization between the attorneys involved and within the client organization between the parties there as well.
4. There is potential risk of embarrassment for all concerned. The referring attorney in the law firm could risk losing the client if the other attorney does poor work for the client. Another issue is the lost of control over the client. The individuals in the client organization could also risk criticism (or even their jobs) if the new relationship does not pan out.
5. Many law firms are "lone ranger" rather than "firm first" or "team based" firms. As a result there is no inclination or incentive to invest the time and effort nor take the risk to refer work to others in the firm.
6. Lack of knowledge regarding other partners' practices.
7. Fear of losing clients.
8. Fear of losing client control.
9. Compensation systems in many law firms encourage hoarding of work and discourage the referring of work to others.
10. Communication systems in some law firms do not facilitate relationship building among attorneys. Effective cross-selling is simply not possible without strong relationships and high levels of trust among attorneys in the law firm.

Why Bother

Research conducted over the years by numerous research organizations has shown that on average it costs five times as much (dollars/time investment) to get new clients than it does to get more business from existing clients. It just makes good business sense to leverage existing relationships.

Institutional clients are reducing the number of law firms that they use. According to BTI Consulting Group, corporations in the Fortune 1000 list are using 20% fewer core law firms than they did a year earlier. As a result fewer firms will be getting work from these companies and they will likely be the firms that successfully cross-sell their practices.

Recommendation From a Fortune 500 Client

Recently I was doing a telephone interview with the general counsel of a Fortune 500 company for our law firm client and I asked him if there was an opportunity for the law firm to get additional work in a practice area in which the company had no experience with the law firm previously and if an opportunity existed what the firm needed to do to earn the business. Here is his response.

Obviously we currently have other law firms handling that work. However, we have been evaluating those relationships and may be making some changes. There is room for other law firms to earn our business in the practice areas that you have discussed with me.

I am aware that the law firm does other work other than what we have been using them for – but I am not sure exactly what those areas are.

In order to begin to forge a relationship into these other service areas:

1. I need to know specifically what they do.
2. I need to know who does it.
3. I need to know how well the person(s) do it.
4. I need to have a well established relationship with the person – trust, respect, like the individual, etc.
5. I suggest that we start by having the partner in the firm that I have a relationship with begin educating me on the firm's other practice areas and begin introducing me to the other players in the law firm.

We hire lawyers - not law firms.

Ideas For Improving the Odds

IDEA #1: Stop giving cross-selling lip service – if you are serious – put in place organizational systems that will facilitate the process.

IDEA #2: Ensure that firm communication systems support cross-selling initiatives.

IDEA #3: Ensure that the firm compensation system does not encourage hoarding of work and discourage a cross-selling program.

IDEA #4: Foster a culture of "giving to get" in which professionals in the firm uphold a "firm first" attitude and are willing to invest the time and effort to foster relationship building and cross-selling efforts.

IDEA #5: Find ways to create, foster, and support trust building in the firm.

IDEA #6: Provide relationship manage-

ment and client service training to all attorneys in the firm.

IDEA #7: Implement a client feedback system (telephone interviews) to enhance relationships with existing top tier clients. You may wish to outsource this effort to an independent party to ensure the greatest success.

IDEA #8: Increase the client's points of contact with the law firm.

IDEA #9: Do whatever it takes to learn your client's business.

IDEA #10: Meet frequently with other attorneys in the firm and learn in detail about their practices and areas of expertise.

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Best kept secrets

By Paul Shaheen, RHU REBC

No matter the size of your practice, be it solo, big or small, attorneys and law firms often struggle with the taxing issue of how to best protect what is arguably your most invaluable asset: your ability to earn an income.

The most common solution is disability insurance, and it comes in many different types.

Individual policies for one. They can work, especially for solo practitioners. They are rich in benefits, but they can also be very expensive. Medical underwriting tends to be tight, and finding a policy which has the benefits language one truly needs can be difficult at best.

Group disability? That can work as well, but again, finding the proper policy language can be exhausting (especially when looking for the correct 'definition' of disability.) Also, group policies tend not to be as benefit rich as individual plans. Further, group coverage isn't portable (should one leave his/her place of employ), and when paid by the employer, benefits through group disability are taxable to your rank and file employees.

This isn't to say group or individual disability policies aren't viable options for you and your firm, but if you'll indulge, allow us to drill down into a concept many feel is one of the true 'best kept secrets' in the disability field.

It's called Critical Illness, and it's something we introduced in our piece from

earlier this year.

Allow us to take a deeper dive, to show what it is and how it works.

Are you not familiar with those employee paid cancer protection plans from, you know, the company which uses the monosyllabic talking duck as its spokesperson? You've seen them, they're the policies that pay a lump sum benefit should an insured become stricken with cancer.

Well, think of Critical Illness as the 'steroid' version of what we just described: More comprehensive, with more benefits, and, unlike steroids, completely legal!

CI is like life insurance but with one key difference: your (tax free lump sum) benefit comes to you when you're living, not upon death.

Here's how it works:

Suppose you were to come down with invasive cancer or any one of nine other critical illnesses, such as a heart attack, stroke, paralysis, deafness, blindness, renal failure, loss of speech, a major burn or a major organ transplant. If so, a CI policy would pay you 100 percent of the face amount, and tax free.

A sampling:

Male, 29 non smoker. \$100,000 coverage.

Annual premium: \$579**

\$250,000 of coverage. Annual Premium: \$1,355

Like life insurance, the benefit is tax free, and it can be used in many ways.

Some examples:

--You're a solo practitioner, just starting out. You'd like to get a nice disability policy for yourself but you're having trouble getting coverage because you're making, say \$75,000, but most of your income is being put back into the business and so you are only claiming, say, \$40,000 a year.

You need more than just the typical 66 percent of earnings most disability policies will cover.

Solution: If you consider CI, you'll have protection against a catastrophic illness, and you can purchase as much coverage as you'd like. Why? Because unlike disability plans, Critical Illness carriers aren't concerned with how much you make. If you made only \$50,000 a year yet wish to cover yourself for \$500,000 in Critical Illness? Well, as long as you qualify, you can get it.

Sample Two:

You're in partnership with another attorney. You've set up a (life insurance funded) buy-sell agreement in case one of you dies.

But what happens if and when one of you becomes permanently disabled? For how long could your partner support him/herself, or, for how long could you continue to financially support your partner?

Solution: Critical Illness coverage. Should either of you come down with a dreaded illness, you have ready cash to help the practice steer through the lean times if a rainmaker/partner become disabled. Further, should you or your partner become permanently disabled, the cash proceeds from the CI policy can be used to buy out the disabled partner's share in the practice.

Keep this in mind as well: One gains the economic benefit of a CI policy regardless of his/her actual ability to work.

Remember, to collect on a disability policy, you must be UNABLE to perform the 'material and substantial duties' of your regular (or own) occupation, and you have to go through your 'waiting period,' be it 30, 60, 90 or 180 days depending upon what type of coverage you've bought before being eligible to collect.

With CI, upon your diagnosis, the benefit is paid, and further, it gets paid regardless of your work history. Suppose you contract cancer, have surgery, then can come back to work in six months. You'll have already gained the benefit, and thus your 'at work' status has no bearing.

One last thought: As we suggested above, CI can also be used as a 'key-man' or executive benefit.

If your practice has a key rainmaker, and you want to either provide a valuable benefit for him/her or protect the practice against the financial impact the illness of a key partner might bring, then the proceeds from a CI policy can be used as a financial cushion should times become lean.

It's sort of a best kept secret, and there is more to come...

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