

# LPM

LAW PRACTICE MANAGEMENT



LPM eNewsletter

Volume 2, Number 4 | Winter 2009

## Law Practice Management resources – right at your fingertips!

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[LPM Vendor Resource Guide](#)

[Free Law Practice Management Resources – right at your fingertips!](#)

[Solo and Small Firm Resource Center](#)



## Moving Beyond 2009

**By Gary A. Munneke**

*Chair, New York State Bar Association  
Law Practice Management Committee*

The year 2009 was, depending on your point of view, a memorable or forgettable one. It was memorable if you were an observer of the legal profession witnessing some of the most dramatic changes in the practice of law ever seen: the first decline in both starting salaries for associates and partner income in over forty years; serious chinks in the traditionally formidable hourly billing model, outsourcing of legal services support work to legal services providers at home and abroad; a growing abundance of on line legal services providers, public funding of law firms in the U.K. and Australia, the expansion of American legal education to countries around the world along with a continued influx of foreign lawyers seeking U.S. licensure, and a proliferation of social and professional networking tools for lawyers and law firms. The year might be described as forgettable to many practitioners for precisely the same reasons. It was probably the toughest year to be a lawyer – economically at least – since the early 1930s.

Reflecting on this watershed year, I thought about the columns I had written for the *New York State Bar Journal* over the past year or so. In September 2008, my column: "Law Practice Management: What Does the Future Hold?" looked at all the changes afoot in the practice of law. Many of these

developments got lost in the ensuing conversation about the economy and its effect on the practice of law. My piece, written just before the recession, seems almost giddy as I read it now, but it is probably more indicative of the optimism lawyers have had about the future for most of the prior century. Ironically, I am speaking on a panel at the New York State Bar Association Annual Meeting (at 10:45 a.m., Wednesday, January 27, 2010, if you are interested), and the title captures the swing in attitude: "The Future Ain't What It Used To Be: Finding Opportunity in a Changing Economy."

By February 2009, my tone had become a little more serious in "Unexpected Career Transitions," which I authored with Deb Volburg Pagnotta, recounting her moves from practitioner, to laid off lawyer to career coach and consultant. The article was one of the first pieces that discussed a phenomenon that became a tidal wave in 2009: lawyer layoffs. The "Transitions" article was followed in May 2009 with the tongue-in-cheek column, "Everything You Need To Know about Practicing Law You Learned in Law School," arguing that contrary to what many lawyers say, they learned a lot more than legal analysis and black letter law in law school, and I suggested these skills could help them succeed in practice if honed and developed over the years in practice.

By July 2009, the recession was in full swing, and I recounted the progression of the economic downturn for the practice of law in my column, "Recessionary Road," which was followed in September by a column that generated considerable feedback, "Maybe Mom and Dad Were Right: Musings on the Economic Downturn." I tried to approach the problem in a forward-thinking way, but I wonder how I will look at these two columns two years from now when the economy has recovered and lawyers have forgotten all the angst of the last year.

The January 2010 *Bar Journal* focuses on solo and small firm practice, and I weighed in with what I thought would be a provocative title, "Revealing the Naked Truth about Solos," drawn from the tabloid model of journalism. Although the column is not as titillating as the title, I tried to say some things about the largest practice setting in New York and around the United States. The entire issue focuses on solos and small firms, and the articles suggest that solos were not impacted by the economic downturn as much as the lawyers in larger firms, but maybe this is because solos were so far down the economic totem pole that they didn't have as far to fall. Somewhere in my mind, the old Nancy Sinatra tune, "I've been down so long it looks like up to me," kicks around to emphasize the point that it's not easy being a solo in this or any other time.

The *Bar Journal* has graciously invited me to offer my thoughts in a somewhat regular column on Law Practice Management, so I find myself thinking about what I want to say next. Have we heard enough doom and gloom? Will the recovery bring new topics of discussion for lawyers? New challenges in practice? New tools for management? We will just have to wait and see.

But it does seem appropriate to close this message and 2009 with additional words from the immortal Lawrence Peter Berra, known to his fans as "Yogi," Yankees catcher and philosopher, whose words are in the title of my January program: "The future ain't what it used to be." Yogi also had words for those of us who are trying to make choices about what direction to follow in our practice lives: "When you come to a fork in the road, take it." To those who were not willing to assess trends in practice in order to make sound decisions, Yogi simply observed: "If you don't know where you're going, you'll wind up somewhere else." Of course, some of you are thinking that you have heard this all before, and Yogi would just shake his head, "It's like déjà vu all over again." Where is Yogi now when we really need him?

*Gary Munneke, Chair, Law Practice Management Committee*

\* Gary Munneke is a Professor of Law at Pace Law School in White Plains, New York.

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# Upcoming Programs:

## NYSBA Career Development Conference 2010

Monday, January 25, 2010/ Annual Meeting, New York City

Speakers: Rachel J. Littman; Lauren J. Wachtler; Dr. Leslie Seppinni; Kelly Hoey; Bruce Blackwell and Elena F. Kaspi

## Hot Topics in Legal Technology

4.0 MCLE Credits in Law Practice Management

Thursday, January 28, 2010/ Annual Meeting, New York City

Speakers: Donna Drumm; Steven Bennett; Nicole Black; Jeff Carucci; Michael Kraft and Carol Schlein

## Beyond the Billable Hour: Alternative Billing Arrangements

2.0 MCLE Credits in Law Practice Management

Thursday, February 18, 2010

Speakers: Joel Rose; Mark Robertson and Brett Scher

## Best Practices in Legal Management

8.0 MCLE Credits (6.0 in Law Practice Management and 2.0 in Ethics)

Thursday, February 25, 2010

Speakers: Professor Gary Munneke; Vincent M. Bell; Anthony K. Greene; John W. Hall, III; Barry Jackson; Kenneth Knott; Roseann N. Lentin; Frank Mariello; Dean L. Silverberg; Marjorie L. Stein; Kimberly A. Swetland and Rita Thompson

## NYSBA Career Development Conference 2010

### Navigating the New Economy: Career Strategies for Lawyers

Monday, January 25, 2010 | 1:00 p.m. – 4:00 p.m.

New York Hilton Hotel

### **Free Program**

*Sponsored by the Law Practice Management Committee and the Committee on Lawyers in Transition*

Pre-registration is required. You must register by January 20, 2010 at

[www.nysba.org/LPM2010CAREERDEV](http://www.nysba.org/LPM2010CAREERDEV)

*(Please note: This program does not carry MCLE credit)*

Join leading career and psychology experts as they discuss how to stay positive and focused on a job search in the current economy. An interactive and lively Q & A session is anticipated.

### **Free Networking Reception Following the Program**

4:00 p.m. – 6:00 p.m.

### **Social Networking 101:**

#### **Getting the Most from NYSBA's Social Networking Tools**

Come network with the panel and meet NYSBA's social media manager and Web site editor **Barbara Beauchamp**

Learn how to make the most out of NYSBA's social networking tools

- NYSBA on Facebook
- Following NYSBA on Twitter
- NYSBA LinkedIn groups

[Register online by January 20, 2010](#)

## Hot Topics in Legal Technology

**Thursday, January 28, 2010** | 1:00 p.m. – 5:00 p.m.  
New York Hilton Hotel

### **4.0 MCLE Credits in Law Practice Management**

*Sponsored by the Committee on Law Practice Management, the E-Filing Resource Center of the New York State Unified Court System, the Senior Lawyers Section, the General Practice Section and the New York State Conference of Bar Leaders.*

#### **Part I**

**The New Paperless Office** – not long ago technology junkies were touting the advent of the paperless office. Today we know that paper will be with us at least for the foreseeable future. However, this does not mean that we will not continue to shift from paper to electronic records, and in the short term maintain parallel systems. How far can we go in the quest to go paperless?

**The Law Office without Walls** – Whether we call it e-lawyering or virtual practice or on line legal services, the fact remains that an increasing number of lawyers, particularly younger tech savvy ones, practice law in cyberspace. What does it mean for the practice of law when the bricks and mortar “walls come a’tumblin’ down”?

**Cloud Computing** – what’s that all about? A couple of years software vendors were calling themselves ASPs (application service providers) offering software and file storage through Internet-based distant computers. When many lawyers balked at storing client data off-site, vendors responded by providing programs and support in the clouds. What does this mean for the lawyer in the street?

**Social Networking** – More and more lawyers are using Facebook, LinkedIn and a variety of other social networks to communicate with each other, to attract new clients, and to keep existing clients connected. What does all of this mean for the practice of law, the marketing of legal services, and the ethics of legal advertising?

#### **Part II**

**E-Discovery** – The trend whose time has come. Technology has bequeathed us a new source of vast information, if we could figure out how to find it. Once the purview of large firms alone, e-discovery is becoming a common tool for all lawyers. What do you need to know to stay in the game?

**E-Filing** – How do new systems instituted by OCA help lawyers file and manage cases? How do lawyers take advantage of these new tools?

## Beyond the Billable Hour: Alternative Billing Arrangements

### **LPM Telephone Seminar**

**Thursday, February 18, 2010** | 12:00 p.m. – 2:00 p.m.

### **2.0 MCLE Credits in Law Practice Management**

As law firms struggle to maintain profitability, if not their survival, in the current economic climate, the debate over the almighty billable hour has been renewed. Clients are forcing law firms to explore alternative billing methods, whether they like it or not. And it's not just about saving money. It's about the clients, perhaps feeling they have leverage, seeking value and accountability for the fees they are

charged. Now is the time for firms to analyze the different methods and discuss with their clients which ones make sense.

Problems: Budgeting and Incentive Problems; Difficulty Estimating Costs and Likelihood of Success; Over Promising Resources; The "Tried and True Billable Hour"  
Determining Whether Alternative Billing is Appropriate for Your Practice: Firm's Attitude/Commitment; Skills to Implement; Potential for New Clients; Competition; Practice Areas; Training to Use Alternative Billing  
Forms of Alternative Billing Arrangements: Contingent Fee; Project or Fixed Fee; Variations in Hourly Billing and Discounting Attorney Rates; Hybrid Fee Arrangements  
How Technology Can Be Used in Alternative Billing  
Responding to RFP's  
When Alternative Billing Arrangements May be Inappropriate or Impractical for Your Firm  
Ethical and Legal Considerations of Alternative Billing Arrangements (Rule 1.5 of the New Rules of Professional Conduct); Implications for Certain Practices; Disclosures

## Best Practices in Legal Management

*Co-Sponsored by the Committee on Law Practice Management of The New York State Bar Association and the New York City Chapter of The Association of Legal Administrators*

### **Live and Webcast**

**Thursday, February 25, 2010** | The Roosevelt Hotel, New York City

### **8.0 MCLE Credits (6.0 in Law Practice Management, and 2.0 in Ethics)**

Experts from all types of law firm settings give a behind-the-scenes glimpse at what really happens in legal management and show you how to manage smarter—not harder. A must-attend course for anyone involved in firm management.  
Get what you need to implement best practices in your firm.  
Understand the ethical considerations of joining or leaving a law firm, including what departing attorneys can take (or not) and what the law firm retains.  
Get sample forms and handy tips from the experts.

All attendees receive the newly published ***Best Practices in Legal Management—A Comprehensive Guide (2010)*** along with a USB flash drive or CD containing numerous templates and forms—a retail value of \$179.00!

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## LPM Vendor Resource Guide

This guide is intended as a resource for our members, to help them find technology products and services which may be useful in their firms.

### **Software**

[Accounting/Finance Software](#)

[Case Matter Practice Management Software](#)

<a href="#">Cost Recovery Software</a>	
<a href="#">Database Software</a>	
<a href="#">Document Management Software</a>	
<a href="#">Enterprise Search Software</a>	
<a href="#">File Backup/Storage</a>	
<a href="#">Litigation/Trial Support Software</a>	
<a href="#">Timekeeping/Billing Software</a>	
<b>Services</b>	
<i>Integration and Training</i>	
<a href="#">Accounting and Tax</a>	
<a href="#">Financial</a>	
<a href="#">Insurance</a>	
<a href="#">Telecommunications</a>	
<i>Consulting</i>	
<a href="#">1031 Qualified Intermediary</a>	
<a href="#">Appellate Printing</a>	
<a href="#">Consulting</a>	
<a href="#">Dictation/Transcription</a>	
<a href="#">Legal Research</a>	
<a href="#">Medical Record Retrieval</a>	
<a href="#">Webinars</a>	
<a href="#">Website Development</a>	
<b>Hardware</b>	
<a href="#">Computers - Servers, Desktops, Notebooks</a>	

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## Law Practice Management Tools [www.nysba.org/LPM](http://www.nysba.org/LPM)

- ▶ [Visit the NYSBA Solo/Small Firm Resource Center](#)
- ▶ [LPM Vendor Resource Guide](#)
- ▶ [Marketing/Client Development](#)
- ▶ [Firm Finances and Management](#)

- ▶ [Risk Management](#)
- ▶ [Technology](#)
- ▶ [Employment Issues/Human Resources](#)
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