



Inside the Law Office

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*Benefits of an
online presence*

*Need a little CRM
in your life?*

Personnel:
*Ready for the
military reserve*

Marketing:
First impressions last

*Will small business
owners find you?*

Finance:
Billing by the hour

*Produced by
The Daily Reporter in
cooperation with the
Columbus Bar Association*

Software as a Service

*Could creating a virtual office help your firm
provide clients with quicker service,
more positive experiences?*

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Inside the Law Office

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Welcome...

...to the first issue of "Inside the Law Office"

It has been said that law schools train their students how to be attorneys, but not necessarily how to be businessmen or businesswomen. This magazine is designed to provide members of the legal profession — particularly solo practitioners and attorneys in small firms — with some of the basic information they need to more efficiently run their law offices.

All too often, attorneys find they are spending so much time on cases and with their clients, they have no time to oversee the day-to-day operations of the office. Whether it's keeping up with the latest in

technology or with the most recent surveys pertaining to personnel, there's often no time to go in search of information.

And that's why we're putting those issues front and center in a concise, easy-to-browse format that we will publish quarterly and distribute to the Columbus Bar's 5,000-plus members.

The contents of each of our "Inside the Law Office" magazines should be of interest to attorneys, but we intend to provide information that also can be used by other members of the legal team — paralegals, front office staff, accounting personnel — all of whom join together to create a good working environment and a successful business.

The first issue of our magazine deals with articles pertaining to technology, personnel, marketing and finance — issues that confront most attorneys (and in fact, most businesspeople in general) on a regular basis.

We hope you enjoy this new joint venture of *The Daily Reporter* and the Columbus Bar Association, and look forward to your feedback. We plan to publish the magazine quarterly, and its look and content may evolve, depending on what direction you give us.

Let us know what you like, don't like, what topics you would like to read about by dropping us a note at editor@sourcenews.com.

~ CINDY LUDLOW, EDITOR

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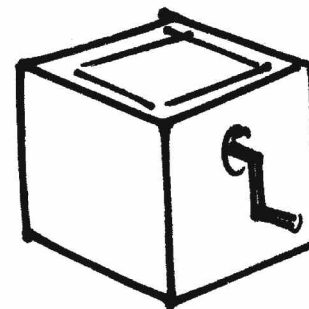
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First impressions last

First impressions: All your life, you've been told how important they are, but do you know whether the first impression clients have of your company is a good one?

Granted, everyone interprets words and actions in different ways, but in general, good manners and a polite attitude will go far toward creating a positive first image.

When clients call or come into your office, they have a right to expect to be greeted promptly and politely. The client — or potential client — who phones in, obviously doesn't have the benefit of seeing how busy your office staff might be, so a little extra attention may be in order for these people.

Perhaps first and foremost, the effort to provide good customer service begins with you. Have you supplied enough phone lines so calls can be answered without delay? A constant busy signal may come across as an indication that the client is dealing with a "small time" lawyer, one who may not be available when he's needed. It doesn't matter whether the perception is true, some people will believe it and they may walk away before they've given you a chance to prove your worth.

Once a client's call is answered, is he immediately put on hold or does he have the opportunity to say who he's calling for and tell the purpose of the call? When multiple lines are ringing, it's often difficult for a receptionist or secretary to avoid the standard, "Hello. Could you hold please," response, but during high-volume calling times, it might pay to have an additional person available to help with phone chores.

Everyone who takes responsibility for answering phones needs to be aware of the impression being made. Years ago, receptionists and secretaries were told to "answer the phone with a smile." It sounded

strange then and it may sound strange now, but it seems to work. Voices reflect attitude — positive and negative.

Dignified, professional and concise are terms to which most attorneys refer when establishing the tools and products they use to convey their images to prospective clients. Yet, try as they might, their efforts are wasted if the clients' first impressions are less than 100 percent positive.

"Lawyers often go to great lengths to design handsome offices so they make a positive, commanding impression when prospective clients come into their office. But your prospects may decide not to meet with you if their first impressions are negative. And many times, their first impressions are formed long before they reach your office door," said Trey Ryder, a lawyer marketing adviser, who recently wrote an editorial piece published by FindLaw.com.

Advertising has topped the list on Ryder's catalog of items that may generate a first impression, and local attorneys understand his thought process.

Darren McNair, partner in the Columbus firm McNair Petroff LLC, said he leafed through the attorney section of the local phone directory to separate the good from the bad.

"We looked at the other ads and crossed out what we didn't like," he said, indicating the process left him and his partner, Ronald Petroff, with a selection of good ideas. "Those ads are really expensive so if we get it wrong it could be costly to the firm."

That was a risk the professionals wanted to avoid for their fledgling firm which marked its year anniversary in July. Any advertising needed to inform potential clients of the lawyers' areas of expertise — domestic, criminal and business law.

Graphically, McNair said, musts were the firm's red "MP" logo and a headshot of each of the lawyers. He said the firm attaches the logo to everything that leaves its East Town Street location to help establish a recognizable brand. As for the photos of each of the men, McNair said he hoped their youthful, yet professional, images would allay a prospective client's fears of high rates.

"If you're younger, you might charge less," McNair said, explaining the rationale he would expect potential clients to use.

Voice mail is an often overlooked part of the "first impression" process. For those occasions when the office is closed or the receptionist can't answer a line quickly enough, potential clients may have to obtain their initial opinions of a business from the recorded voice at the other end of the phone.

"I recently concluded an assignment from a long-time friend and attorney," Ryder noted. "When I called his office and got his voice mail, his message was a real disappointment. I know him to be a positive, upbeat person, but his voice mail message didn't reflect that. He spoke in a monotone that made him sound bored and uninterested — clearly a turnoff to someone who doesn't know him, like prospective clients."

Ryder's suggestion to his friend was to re-record the outgoing message in a more upbeat, friendly and professional manner. It's important that the image presented accurately reflects the person speaking as well as the desired corporate atmosphere.

Everything prospects see, hear, and read about a firm — brochures, business cards, stationery and Web presence — creates an image in their minds, so make sure they see have an accurate picture.

~ KEITH ARNOLD

Software as a service — create a virtual office

Few young law students sit around dreaming of managing billing hours or searching for filing deadlines.

At one time — not so long ago — those mundane tasks would take up a frustratingly large portion of their work day, taking away from the actual practice of law, the diligent research, and the careful crafting of arguments and documents.

But times have changed and now attorneys have technology on their side — technology that allows them to work less on the clerical duties and more on the craft for which they are trained.

One of the most popular technological tools available these days is known as "software as a service," specialized Web-based software developed for the legal industry. It includes programs for case or practice management, time and billing, evidence management, and trial presentation.

SaaS is different than traditional software primarily because it is accessed via a Web browser over the Internet rather than being installed directly on the user's computer. For example, Microsoft Office would be considered traditional software while Google Docs would be SaaS.

One of the biggest benefits of the software is that attorneys can go to an Internet site to access myriad types of files that otherwise would have required a call or visit to his or her law firm.

For example, if an attorney is in a client's office and there is a question about billing, the attorney can log onto the Internet, check a secured Web site and find in minutes, or sooner, how much money the client owes the firm. In the past, the attorney would have had to call someone at the



law office and wait for that person to look up the account.

"We started using it six years ago and now we'd be lost without it," Karen Buckland, financial systems manager for Hahn Loeser + Parks LLP, said of SaaS. "It's a Web-based product, so you're not stuck at your desk. Attorneys are [out of the office] all of the time."

Through SaaS, attorneys also access filing deadlines, enter billing time and even access docket calendars.

"A lot of the legal software now is compatible with court documents," Buckland said. "The whole idea is to keep attorneys mobile."

She said that when the software program first was rolled

out, everyone in the law firm had to undergo at least a week of training. Even now when there are updates, they also have to go through training.

But since they started using SaaS, it has been well-received by everyone in the firm.

"If anything happens with your client, you're immediately notified (through the software). Attorneys on a case team can write case notes to each other," Buckland said.

Another advantage is that because SaaS solutions are new and have been built fresh from the ground-up, they tend to have fewer features but far better, and more intuitive, user interfaces.

Also, access to traditional legal software tends to be limited by both hardware compatibility and licensing restrictions.

For example, a traditional case management software may only be compatible with a PC running Windows XP or later, with a certain processor speed and amount of available RAM.

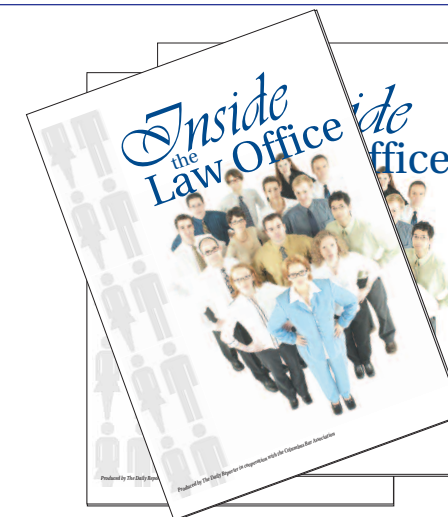
Because SaaS solutions are Web-based, they're typically compatible across multiple platforms and browsers.

Newer software also allows for access from mobile devices such as BlackBerrys, iPhones and personal digital assistants.

Another difference between SaaS and traditional legal software is that SaaS solutions store a user's data, such as documents, contacts, notes and billing information on remote servers rather than on the user's own computer.

Given that one of an attorney's foremost duties is to safeguard client files and to protect the confidentiality of the information contained in those files, many attorneys are understandably wary about placing those files on an outside vendor's servers, but most vendors are more than willing to verify their security.

~ RICK ADAMCZAK



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Even small law practices can benefit from an online presence

When designing a site, it's important to let a practice's personality shine through — information about its leadership and the story of its formation are just as critical as posting the firm's contact information and specialty areas.

Most everyone realizes that Web sites are handy for browsing the day's news, online shopping, and even monitoring one's checking account balance. However, not all professionals understand the value of the Web in regard to building their businesses.

According to a poll conducted for the American Bar Association 40 percent of the solo practitioners surveyed for its 2008 Legal Technology Survey Report said they did not have Web sites. By comparison, 99 percent of firms with 100 lawyers or more did.

Whether an attorney is deciding to launch a firm Web site for the first time or merely wants to update an existing one, design experts generally suggest leaving the heavy lifting to them.

It's helpful for all involved if a client has ideas of what image he wants his Web site to project, "but hiring a professional is never a bad thing," said Bryan Huber, principal at Huber + Co.

Referrals are a great way to find a reputable Web designer, he said, adding that lawyers should be particularly interested in finding a firm that has experience with law practices.

Greg Krivicich, president of Marcy Design, said firms

should not only gather referrals, but go a step further and call a few former clients to learn whether work was completed in a timely manner, whether the project came in on budget, and whether the finished product met their expectations.

Firms also should learn how long the designer has been in business, how many Web sites

they've completed, and where their expertise lies, he said.

Beyond that, both men said face-to-face meetings should clear up any lingering doubt as to whether that particular firm is the right one for the job.

When designing a site, it's important to let a practice's personality shine through, Huber said, meaning information about its leadership and the story of its formation are just as critical as posting the firm's contact information and specialty areas.

Ultimately, firms should think of a Web site as a resource for their target audience, Krivicich said, adding that more innovative features, such as a blog or short articles on recent case decisions and their potential impact, can help establish a firm as an authority on particular matters, boosting their credibility with potential clients.

"Blogs also take you into the RSS feed world," he said, referring to the popular format used to share and republish Web content.

RSS feeds also allow Web users to subscribe to a blog and as a result, every time the blogger makes a post their subscribers will automatically be notified — a situation that is helpful for two reasons. One, it reminds people you're out

there, he said, and two, it provides fresh content for your Web site, which will help your search ranking.

Since search engines rank sites by relevancy, it is important that they be updated on a regular basis, Huber said. Generally speaking, the fresher the content, the more relevant a site is thought to be.

Additionally, key search terms (which will vary depending on the practice) should appear on a firm's site as frequently as possible.

Though it is common knowledge that site owners can drive additional traffic their way by advertising on search engines, bidding on key words associated with their products or services, doing so isn't the only way to improve one's search ranking.

For instance, a highly useful — and free — tool for improving search rankings is Google Analytics, Huber said, adding that he recommends it to most of his clients.

Available at www.google.com/analytics, Google Analytics can, among other things, determine how visitors search a particular site, what they look for, and where they end up; show traffic for every link on a site; and determine from where a site's visitors come.

An analytics package is ideal for evaluating a site's effectiveness and helping decide what to improve, he said, adding that more "robust" services are available for a monthly fee.

As for the total cost associated with professional site design services, Huber said firms should expect to pay anywhere from \$3,000 to \$20,000, depending on content, number of pages, how easy it is to update, and whether a site management system is included.

Krivicich said a basic site costs about \$1,500, a small-to-medium site with Adobe Flash costs roughly \$2,500 to \$3,500, and anything beyond that is priced at about \$3,500-plus.

~ MELANIE MCINTYRE

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Attorney Reservists face myriad challenges upon deployment



Solo practitioners who also serve as reservists in the U.S. military have to be prepared at a moment's notice to dismantle a practice that may have taken years to build.

There are a number of issues the attorney-reservist needs to address before reporting for duty, Risk Management Education Director Mark Bassingthwaight wrote in an online article for the American Bar Association.

Clients, finding an administrating attorney, business issues and malpractice insurance are all matters that top the priority list of the legal professional whose mobilization is imminent.

"The more time that can be devoted to this process, the less troublesome the transition will be for your clients," Bassingthwaight wrote.

If a succession plan previously has been established, he noted, contact the designated attorney. If one hasn't been chosen, an attorney must be designated to administer the winding down of the practice.

Columbus solo practitioner Stacey Beck said the winding down process can amount to closing your business.

"I lost my law practice while we were mobilized," she said.

Beck is a reservist with the U.S. Army Reserve's 9th Legal Services Organization in Whitehall and was deployed to Fort Bragg, N.C., from January 2003 to June of the same year.

"Our main purpose as a unit was to meet the legal needs of other mobilized soldiers," she said, indicating the lion's share of her work was spent executing power of attorneys and wills and assisting soldiers with issues related to their reemployment rights.

As Beck's fledgling practice centered on a lot of court-appointed work, the young attorney had the task of notifying the court and all of the judges with whom she had been working that she wouldn't be taking any more cases.

"I wrote a letter for every case I had," she said, noting the total number was about 45 cases. "Initially I called everybody. Most of the bailiffs were OK with it.

"I talked to everyone I could, all in a single day."

Beck marvels now that she was able to close down her practice in one day. Fortunately for her, she was able to have the court reassign her cases and she was able to withdraw from taking appointments.

"I had a trial wrap up fairly close to the time I was mobilized," Beck said.

Bassingthwaight explained that if there is a designated attorney, that person is expected to handle all business concerns associated with closing the practice and likely will send letters to clients, be available to address any significant and immediate client issues, and assist in locating new counsel for clients.

The individual does not continue the mobilized attorney's practice during the absence. He should be someone of competence and experience, and one who displays the utmost professionalism, Bassingthwaight continued.

"Remember that if this attorney discovers evidence of legal malpractice or an ethical violation, she may have an ethical obligation to inform your clients of your errors," he said. "She should be someone who is very familiar with your areas of practice and she should have adequate malpractice coverage in place. She should also be someone who has the time to devote to winding down your practice, and the ability to make rapid decisions and assume the burdens of being responsible for administering an additional practice for a period of up to several months.

"If no one person is available to assist with this task, consider asking several attorneys to share in the responsibility."

Jason Wright, a Columbus attorney who practices with Wolske & Associates and belongs to the same unit as Beck, said the task of finding just the right lawyer to handle the existing cases is very important.

"It has to be handled delicately," Wright said.

He was mobilized in early 2005 for nearly a year. Although he wasn't a solo practitioner, Wright said he felt like what he was doing was tantamount to quitting the profession.

"When you decide who you will refer your cases to, you need to choose very carefully," he said. "Everyone's got their own recipe for the sauce and you need to find someone who actually wants to do the case."

Wright said a mobilized attorney-reservist may need to negotiate a percentage of the fee or give it away completely.

An attorney must ultimately act with the best interest of his client in mind, he said.

Bassingthwaight suggested attorneys document the administration arrangement with the designated attorney. Items to consider include:

- a signed consent form authorizing the attorney to contact your clients for instructions on transferring their files;
- authorization to obtain extensions of time in litigation matters;
- authorization to provide notice of the closure of your practice to all relevant people;
- instructions as to drawing checks on the firm's business account covering payment of such current and future liabilities as payroll, taxes, utilities, rent and debts;
- instructions as to billing, accounts receivable and collection matters;
- instructions as to the trust funds;
- instructions as to the storage or disposition of closed files, storage or disposition of office furnishings equipment and supplies and the disposition of the office space; and
- arrangements for payment to the designated attorney for her services rendered.

For Beck, it made sense for her to continue to pay rent for her office space during her deployment.

"You should also contact your malpractice insurance carrier to advise the carrier of your situation," Bassingthwaight continued. "... You should maintain an active malpractice insurance policy for at least as long as you expect the designated attorney to finish winding down your practice. At that point, the individual to whom you gave power of attorney should arrange for an extended claim-reporting period or 'tail policy.'

"Note that many carriers will write a tail policy for only one year at a time. Thus, your firm's tail policy should be renewed annually for as long as you are away from your practice."

Neither Beck nor Wright said they would trade their experience, but both recognized the hardship to their personal and professional lives.

"It's not the end of the world," Beck said. "You can do it, but I like doing what I do here better."

~ KEITH ARNOLD



Need a little CRM in your life?

Customer Relationship Management

Maybe, maybe not

With competition for clients fierce in most all professions, attorneys are among those business leaders turning to technology to manage their pursuits.

The use of customer relationship management software, which tracks a firm's relationships with clients and potential clients, is becoming more popular in law firms.

"It's a business development decision. If I want to understand who my customers are, this is a good method," said Tom Smanik, director of business development for the law firm Hahn Loeser & Parks LLP, which has an office in Columbus.

By using a CRM system, attorneys can search a database of clients and potential clients at a law firm to see whether a particular client has a relationship with someone else in the firm.

"If you cold-call someone, they probably won't return your call. But if you call John Doe and say, 'I know you have worked with my colleague so-and-so,' they're a lot more likely to work with you," said Smanik. "Even if someone is the best lawyer available, (the client) is not necessarily going to hire them if they don't have a relationship with them."

Relationships are important in sales and in trying to attract a potential client, he said.

"If I have two prospects I want to pursue and one I don't know and one 'Steve' knows, where there's a relationship, then you have a much better chance to get him as a client," Smanik said. "We call it 'eliminating the dead ends.'"

The system works especially well for firms that are larger in size or have more than one office, but even small firms can keep track of their clients through such a system.

By searching through the CRM database, attorneys within an office can more easily share information about a perspective client.

"[A CRM] tells you where there's a relationship and what the relationship is," said Smanik.

CRM software is becoming more widespread in the business world and is not exclusively a sales tool. It is a tool that everyone in a company can use to track customer information.

The best approach to kicking off the search for CRM software, therefore, is to assemble a cross-section of all company staff that will use this system and determine what capabilities they need.

The goal is to get as many suggestions as possible from a diverse group. Ultimately, people will want to have as deep and broad a list of needs as possible, along with



requirements that will help separate the CRM systems someone might be considering.

Prioritize those needs based on their importance, and this will go a long way when in helping to decide which CRM system a company will choose.

Another benefit to performing this step is that it will likely be easier to get team buy-in on the system that's ultimately chosen because the individuals most vested in that choice already have explained their needs.

Among the offerings in CRM programs are those created by NetSuite, Oracle, SAP, Microsoft and Sage. Visit 2020software.com for a quick list of some of the most popular programs.

CRM is not just a technology but rather a comprehensive customer-centric approach to an organization's philosophy in dealing with its customers. This includes policies and processes, front-of-house customer service, employee training, marketing, systems and information management.

Hence, it is important that any CRM implementation considerations stretch beyond technology, toward the broader organizational requirements.

CRM strategies can vary in size, complexity and scope. Some companies consider a CRM strategy to only focus on the management of a team of salespeople. However, other CRM strategies can cover customer interaction across the entire organization. Many commercial CRM software packages that are available provide features that serve sales, marketing, event management, project management and finance.

~ RICK ADAMCZAK



Billing by the hour may

not be the best option

in hard times

demand for law firms to get a better handle on the services they're providing."

Clients also want law firms using more technology to better demonstrate the amount of work completed.

For some clients on a monthly retainer, they may underutilize the law firm's services one month, but they might get more than their money's worth the next month.

Even though the billing arrangement may be on a monthly flat fee, from a law firm's perspective, most experts suggest that attorneys still keep track of the hours they work for each specific client.

Eyebrows have been raised in the past few months after media reports stated some New York City attorneys said they were charging \$1,000 an hour.

"The basic flaw of the billable hour, say its detractors, is that it puts the financial incentives for lawyers in the wrong place. Back in a more genteel age, grouse many lawyers, when the practice was more of a profession and less of a business, the cost of legal services was determined not by the amount of time a lawyer spent on a matter but on the value he delivered to the client," Douglas McCollam wrote in *The American Lawyer* magazine.

McCollam also wrote that the billing hours model "broke down and was replaced by a time-based metric, which, say critics, encourages firms to overstaff matters, lard their bills with marginally useful services, and draw out cases that might be brought to a swifter conclusion."

North said clients are asking law firms to absorb some of the costs of matters that become more expensive than first anticipated.

"They're looking to law firms for high-low arrangements based on the outcome of a project. If a project unexpectedly becomes expensive, they want the law firm to assume some of the (costs)," he said.

Solo practitioners or small law firms may not have invested in the amount of technology some larger firms utilize for billing, but that means when times get tough, they can adjust their billing methods quicker than the bigger firms, said North.

For the 50 years or so that attorneys have been billing their clients by the hour, the method has been a contentious one — especially for clients who often worry they're getting charged for time the attorney spends golfing or getting a haircut.

It was, however, a concept mostly born from clients themselves, who wanted to know more about details of their charges.

"Back in the 1950s and 1960s, it was more of a gentleman's arrangement where the client would get a one-line statement for services rendered," said Chris North, chairman of the hourly rate committee for the Vorys, Sater, Seymour and Pease LLP law firm in Columbus. "Clients wanted a way to evaluate the bills they received."

But now, given today's dismal economic times and companies looking to cut expenses anywhere they can, the idea of billable hours has become less favorable to clients and therefore lawyers are having to consider alternative billing methods, such as a flat fee for services.

"There's a lot of emphasis from clients about alternative billing. First, it's a way for (clients) to reduce their legal fees. Second, it's a way for them to budget and predict their fees," said North.

Some alternative billing methods include charging a fixed rate, having monthly retainers or offering volume discounts.

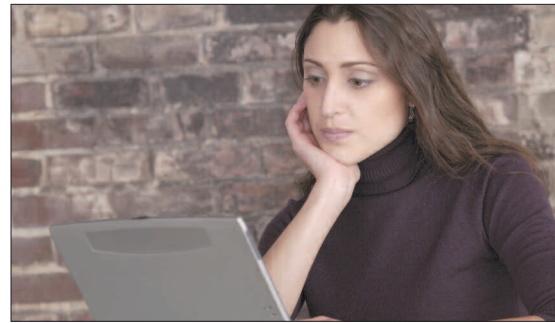
"In most areas of practice, billable hours will remain the dominant way, but there are all kinds of arrangements being made out there now, such as blended rates and offering a percentage off," said North.

Blended rates provide equal billing rates for all staff working on an issue, whether they are senior lawyers or less-experienced associates.

"Clients are becoming more and more sophisticated," North said. "The economy is definitely accelerating the

~ RICK ADAMCZAK

Are you the attorney small business owners are seeking?



When small business owners are seeking professional legal advice, they often embark on a blind search. The U.S. Small Business Administration offers these individuals several tips for finding an attorney who will best meet their needs. The question to ask yourself, is "Could they find me using these steps?"

Among the suggestions made by the SBA:

1. Find the right lawyer through your local bar association, which can help you identify the names of people who specialize in your problem and let you know if a lawyer has been the subject of an ethical complaint or inquiry.
2. Lawyer referral services (such as the Columbus Bar's Columbus Lawyer Finder.com) will connect you with a lawyer who specializes in your problem.
3. Talk to your friends. Some of the most reliable referrals are from people you trust — fellow business owners, friends and family — who have used lawyers recently. If you know lawyers, but not those in the field you need, talk to them and ask which of their peers they would recommend.

So in the proverbial nutshell, if you're in the market for new clients, you might improve your chances by being active in your local legal professional association, having involvement with lawyer referral services and by maintaining a good reputation among your fellow attorneys.

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Many of you told the Columbus Bar Association you wanted more information directed to the needs of small firms and single practitioners. To meet that need, the Bar joined forces with *The Daily Reporter* to bring you just what you asked for: *Inside the Law Office*, a quarterly magazine focused on your specific concerns. Look for the next issue Feb. 27.



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