

# Inside the Law Office

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The Daily Reporter in  
cooperation with the  
Columbus Bar Association*

August 2009 — Issue 4



Local attorneys  
reveal their  
methods of making  
themselves  
known

**MARKETING 101:**  
**Name Recognition**

# Inside the Law Office

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## Inside the Law Office

*A supplement to The Daily Reporter*

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## This issue's focus: Make yourself known

Just as finding and retaining employees is a challenge for all businesses, so too is finding and retaining customers or clients. In the tight economy we're currently experiencing, it's more important than ever to build relationships.

Don't overlook the importance of the simplest form of marketing: person-to-person interaction. Attend community events, get to know the people at your church and in your children's schools, participate in charitable organizations' fundraisers and just as importantly, consider your fellow attorneys as potential leads and not competitors. (See Page 4.) Of course, as a newspaper editor, I'd be remiss when talking marketing not to remind you that the traditional media is never a bad option.


With many of the subjects our staff researches, roads seem to lead back to a common denominator: You need mentors to be successful. Whether these mentors are throwing clients your way or talking you through a tough case, or even offering you financial advice, the on-the-job experience they've gained can prevent you from making costly mistakes. They can be especially helpful if you're thinking about leaving a firm and starting your solo career. (See Page 8.)

Anyone starting a new business or thinking of opening a new office for an existing practice will want to carefully consider the advantages and pitfalls to relocating. Local attorneys offer their advice on the process, explaining that there's more to

consider than just the building itself: Staffing may change, technology may need to be updated, money management may need to be revamped. (Page 12.)

These are some of the topics covered in this issue of *Inside the Law Office*, but as I have in the past, I encourage you to offer us your ideas for business concerns affecting small firms and solo practitioners. E-mail us to share your suggestions for running a successful small law practice or to tell us about the obstacles you encounter. We can't guarantee a solution to the problems, but we will look for resources to steer you in a positive direction.

~ Cindy Ludlow, Editor  
editor@sourcenews.com




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## *From coffee cups and beer mugs to CLE courses and church gatherings,*

## **attorneys need to make themselves known**

In today's less-than-ideal economy, marketing and promotion of a small or solo practice is more crucial than ever. Some local attorneys have taken on the challenge in unusual — and successful — ways.

Douglas Funkhouser, L.P.A. is a solo practitioner in Columbus who focuses primarily on OVI litigation and aggravated murder, but also works on a broad spectrum of felony cases.

"I am basically a criminal defense attorney with a focus on OVI offense," Funkhouser said.

Practicing law for 15 years, Funkhouser has used a wide array of marketing tools to boost his business and reputation. A promotional company that Funkhouser once represented continues to provide him with letter openers and coffee mugs that display his name and service.

*"I always give the mugs and letter openers to attorneys and clients," he said. "It's a \$10 mug. I will give it to someone and, maybe years down the road, I will get a call from someone else who saw the mug."*

"I always give the mugs and letter openers to attorneys and clients," he said. "It's a \$10 mug. I will give it to someone and, maybe years down the road, I will get a call from someone else who saw the mug."

Funkhouser said some attorneys give out promotional beer mugs and bottle openers.

"But those really wouldn't look very good on my part," Funkhouser said, referring to his specialization in OVIs and criminal offenses.

What seems to generate clientele more than promotional items, however, are the charity events in which Funkhouser participates.

"I do a lot of charity events," Funkhouser said, adding that this year his interests leaned toward the Dublin Kiwanis Annual Frog Jump, which took place on June 27.

In addition, Funkhouser said he supports The Childhood League Center, which depends on individual contributions to cover nearly 22 percent of its operating budget. The Childhood League Center is based in Columbus, at 670 S. 18th St.

Funkhouser decided to get involved in The Childhood League after friends of his became involved in one of its charities.

"A friend of mine had a child on his block with a genetic disease, so he organized a charity," Funkhouser said. "And a lot of other attorneys have become involved with it, as well."

Funkhouser said that although he technically is marketing through the charity, his reason for participating is because it helps the community.

"Whenever I hear about this kind of stuff, I will throw my name in," Funkhouser said. "Companies will ask if I want to sponsor something, and I will sponsor things like holes for golf tournaments, and throw them a hundred bucks."

The most effective way to market a solo practice, Funkhouser said, is by working through other attorneys.

Funkhouser works with the Columbus Bar Association, conducting training sessions on basic DUI cases, which are designed for non-DUI attorneys wanting working knowledge on the cases.

"Other attorneys watch these, and then they know which attorneys are good in this area," Funkhouser said, "and this causes them to sometimes refer those attorneys."

Many young lawyers, or lawyers starting out, attend the Columbus Bar Association's training classes for Continuing Legal Education credits.

When he first began his solo practice, Funkhouser said,

he would call attorneys that he met, take them to lunch, and talk about his practice. By doing this, attorneys learned his name and his specialization, and they were able to refer him to clients that they were not able to help.

In addition, he said, he went out of his way to meet all of the bailiffs and judges in town.

"I introduced myself and handed them my resumes, and I told judges I wanted to do cases," Funkhouser said. "It never hurts to know the bailiff, and it definitely works to market yourself to the courthouse."

Trying a more personal approach, Tonya Coles, a Columbus solo practitioner who focuses on estate planning, probate law, elder law and family law, has contacted local churches that might want her to conduct elder seminars.

"Basically, I have had referrals from family and friends to speak to small groups of people about basic estate planning issues," Coles said. "A common misconception is that estate planning is only for the wealthy, and I want to educate people."

Coles said she is expanding her presentations to more structured events, such as senior groups at churches, and wants to focus on basic estate planning although she said she will be open to discuss several topics, depending on what the groups' interests are.

"Every family needs a living will attorney, and I will talk about how to execute these things," Coles said. "A lot of people don't understand what happens when someone dies, and many times, people are named executor of a will and they don't know what happens next."

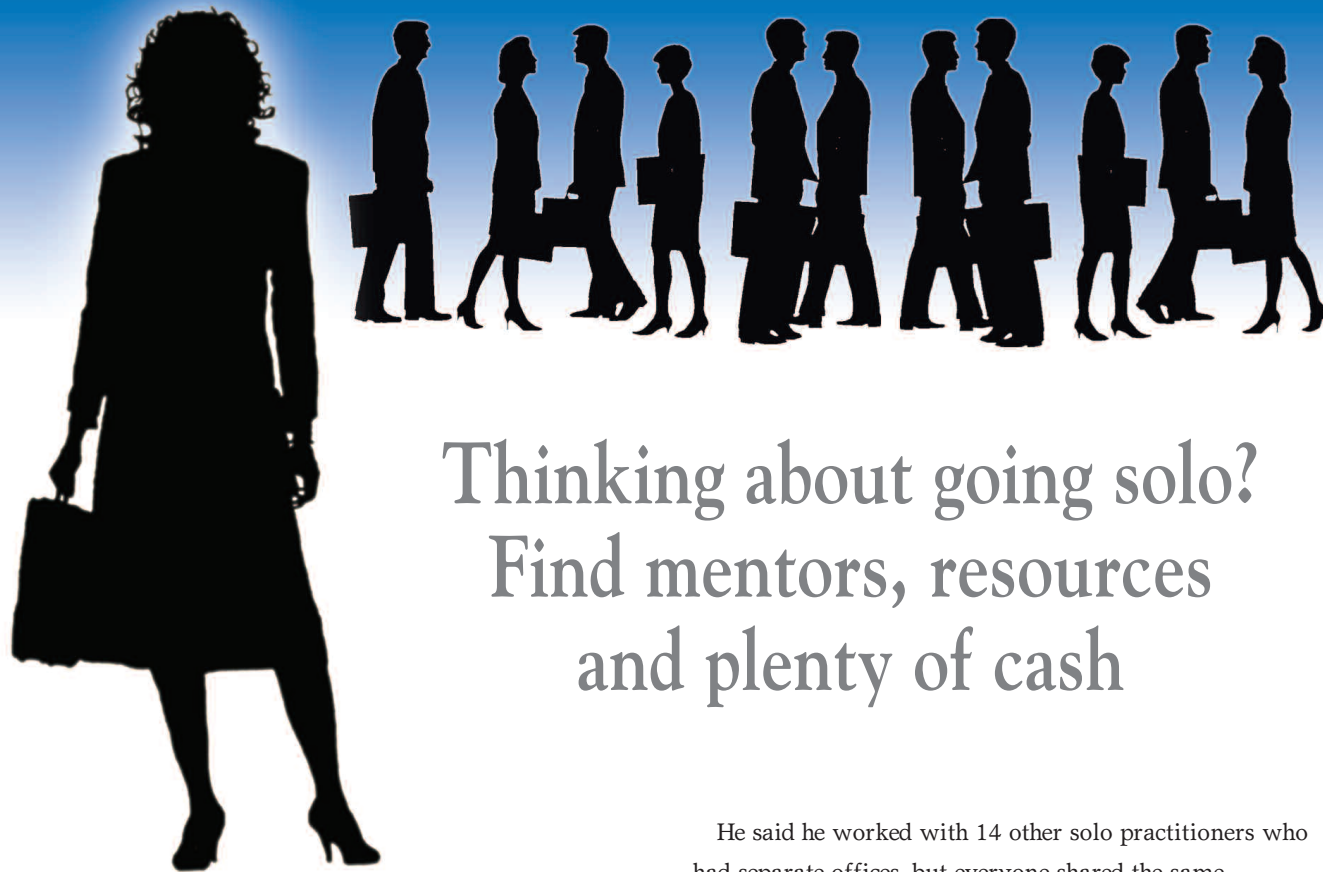
Coles also is planning to conduct seminars on the general probate process for members of smaller churches — where people often are prone to gather information from their church leaders.

"Being a minority, I grew up in the church," she said. "I know minorities look to church leaders for a lot of information. For a lot of people, this is the only resource they have."

Whatever routes they choose, most lawyers agree solo practitioners need to be confident and build trust among their clients. When clients have a more personal relationship with attorneys, they are more likely to recommend the attorney to friends, family and neighbors.

~ JACKIE NASH





## Thinking about going solo? Find mentors, resources and plenty of cash

If a lawyer is serious about starting a solo law firm, he or she should start by talking to other lawyers who already have successfully negotiated that precarious step.

Philip M. Collins, an attorney specializing in small business law and litigation in Columbus, said the best resources for going solo are attorneys who have made the transition themselves.

"It is important to surround yourself with a core group of mentors," Collins said. "Practicing law is multifaceted — there is the actual practice of law, the business side and the marketing side — and if you are a one-man band, you are likely to be more successful if you have mentors in each of the areas."

An attorney for more than 36 years, Collins worked for a small firm for three years before he felt he became a solo practitioner.

When he started his own practice, Collins said, he had a strong client base so one piece of the puzzle already was in place. He also, though, went from a firm to a situation where, even though he was going solo, he was not completely alone.

"I went to what, at the time, was referred to as a 'California concept,' a shared office space with an expense arrangement," Collins said.

He said he worked with 14 other solo practitioners who had separate offices, but everyone shared the same administrator and staff. Each attorney paid 1/15 of the cost for the staff they shared, which made their businesses more cost-efficient. Plus, when any of the attorneys needed suggestions or advice, they had attorneys at hand who could provide their thoughts.

"This made the transition relatively easy, almost seamless," Collins said. "And associating with a group of attorneys who have similar objectives is really a key consideration for someone going solo."

Collins said he believes it would have been much more difficult, had he gone to a one-person office right away.

"It was quite an efficient way to practice, and it was an excellent business model for an attorney making the transition to a solo practitioner," he said.

Now, Collins is no longer working on his own. He has three attorneys, Ehren W. Slagle, Kathryn L. Traven, and Allison K. Tracey, who work for him at his downtown office in the Fifth Third Building on East State St., where his firm has been located since 1992.

When asked what advice he has for new solo practitioners, Collins said, "the best marketing tool is the file on your desk. Success breeds success. Some of our best referrals come from existing clients."

Slagle noted that effectively using technology can save money for a small law firm or solo practitioner.

Reducing paper use by creating, and not printing, portable document format (PDF) files can cut costs, as can communicating with clients via e-mail instead of through standard "snail" mail.

When Philip Collins & Associates receives a document, it is scanned and e-mailed to clients, Slagle said, so essentially, clients receive important documents at the same time the firm does. Additionally, the firm has access to a virtual private network, so attorneys can access the company's files at home, or even while on vacation.

Slagle noted that one of the largest costs a solo practitioner incurs is the salary paid to staff. If the attorney can use more technology and fewer staff, he or she can endure a huge savings.

Collins agreed that managing money is a major issue for many solo lawyers.

"Something I read back in law school said that the two major detriments to business are undercapitalization and mismanagement," Collins said. "You should make sure that you are properly-capitalized to ensure you will prevail through dry periods."

The Columbus, Ohio, and American bar associations can provide information for attorneys wanting to go solo, each having solo practitioner/small firm committees that can be great resources, according to Slagle.

~ JACKIE NASH

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## Should You Move or Stay?

# Making the decision to relocate your office

**Studying and researching is key to successfully relocating, as is knowing who your clients are and what clients you want.**

For many solo practitioners, relocating offices is more than difficult — it is like running a race and having hurdles unexpectedly thrown on the track.

Solo practitioners already have their hands full with running a business and building the practice, so when the idea of moving the business is brought up, many feel like they'll literally have to start all over. But sometimes, there's no choice.

Some small law firms grow rapidly over a short period of time, needing larger law offices, and other firms lose business, needing less space. Firms might make a major move, miles away, or simply move to a different floor of the same building, but with proper planning it doesn't have to be a catastrophe.

For Attorney Jack Moser, who works in Gahanna at 107 W. Johnstown Road, moving was a necessity.

"The lawyers I had been in business with had a big 'blow up,'" Moser said. "Some went elsewhere within our building and some went elsewhere in the city, and I found myself taking over a five- or six-office suite."

Moser said he tried to fill the offices and lease the space out, but had no luck. In February 2008, he decided to move his full-service legal firm, which serves clients in Franklin,

Delaware, Licking, Fairfield, Pickaway, Madison and Union counties. He moved from his downtown office at 400 S. Fifth St. — where he was located for nearly 10 years — to Gahanna.

"Probably 70 percent of my clients were from the East Side, and this was a major factor in the decision," Moser said. "I researched people who moved from downtown to the suburbs, and I found out that they did quite well."

With a new office not much larger than his old one, Moser now has Creekside Park across the street, where he can take clients to lunch and go for walks. Additionally, Moser said his clients appreciate not having to travel far away from home.

"People don't want to go into the city, where there is a 'rat race,'" Moser said, laughing. "No one likes all of the construction and barrels downtown either."

Studying and researching is key to successfully relocating, as is knowing who your clients are and what clients you want.

"If you are a good enough attorney, your clientele will follow you," Moser said. "But it is smart to move to where your clients are."

In any case, successful solo practitioners must plan ahead to mitigate risk and avoid any loss in productivity that might result from the move. Moser said he spent two or three months preparing to move.

Several things could go wrong when relocating to a new office. Technological components at a new building might not be compatible with the old office's technology so rewiring and remodeling might be necessary. Take care of those things before the first day of business, he warns.

A firm's software might need an upgrade, and moving could be the perfect time for new technology. Many new office locations turn out to result in complete transformations.

"We invested in new computers," Moser said. "And the new network facilitates all of our attorneys."

The Internet connection at Moser's previous downtown office would frequently disconnect, he said.

"We would be in the middle of a big research project, and it would just shut down. Our network was kind of 'piece-milled' together."

Moser also has more storage for closed files at his new office. At his previous office, he had to use a separate storage facility downtown to store closed files.

A new office also can mean new employees: Moser said he hired several new employees during the move.

"I have taken on one paralegal, another one part-time, and I hired a new secretary," Moser said.

"My business has grown probably 100 percent," Moser said. "I hope to be hiring additional paralegals and an associate."

Moser said the most difficult part of moving was letting everyone know about the change. Clients, colleagues, associates and friends should be notified of the move as far in advance as possible.

"I knew I had to notify the Supreme Court of Ohio and the Columbus Bar Association," Moser said. "But I also had to notify all of the clerks of courts in surrounding counties, including Franklin County. Everyone within an hour drive of here had to be notified of the move."

In addition, the time taken to complete the move could cause calls to go unanswered, and business to be lost. Moving over a weekend — to prevent productivity from being lost during the week — is ideal.

"It took us two weekends, off and on, but we didn't lose any weekdays," Moser said. "We would move things in the evenings during the week, and the bigger things were moved over the weekends."

"I think everyone was apprehensive at first, but after about a month or so, everyone was ready to rock and roll," Moser said. "The staff here is wonderful. We all enjoy working together, and there is minimal friction."

Moser said that for solo practitioners, moving is always going to be somewhat of a gamble.

"Attorneys ask themselves, 'Will my clients follow me?'" Moser said. "I had to work at networking when I moved, so I met up with an attorney who took me to Rotary Club events, and I tried a couple of morning networking places to get my name out."

~ JACKIE NASH





# Small firms benefit from hiring interns, law clerks

## — and they benefit, too

"I feel like my work is never done. There just aren't enough hours in the day."

Many solo practitioners or attorneys in small firms have expressed those sentiments, but more often than not, such woes are followed by: "I'd hire extra help, but it simply isn't in the budget."

Some firms are overcoming that problem by taking on interns or law clerks — sometime paid, sometimes not.

Miller Dorman Partee LLP has had an unpaid intern for almost a year and recently hired on an additional intern to help with the firm's immigration practice.

"The firm actually just started last July (2008). I think we were trying to figure out some options for additional staff starting out and we didn't have a budget to hire someone to do the work. We wanted to have someone

come in on an intern basis and give them some experience," said Miller.

That may sound simple, but not all small firms know how to go about finding an intern.

Miller said his company basically found help through word of mouth, friends of friends.

However, he added, in the future the firm would not be opposed to using other methods to bring in interns.

"We may do something directly with the law schools or even Craigslist, essentially free places that we could put this job listing on — possibly the bar associations as well," he said. "Especially with the economy the way it is, we don't have a lot of money to put toward staffing."

Practicing attorneys understand why an intern would work for no pay: Nearly everyone needs, and wants, on

the job experience. In fact, many large firms require their new hires to have participated in some type of clerkship or internship.

"We'll have them do research, some simple writing, letters and drafts to get stuff started, copying, scanning, data input and the occasional phone and secretarial type stuff when necessary," Miller said.

"This is something they can use for their resume and for references. It is a tremendous help. It benefits both parties," Miller said. He added that these opportunities also allow the interns to make connections.

"That is something that's very important. They don't stress it a lot in law school and you don't realize (you need these connections) until you get out," he said.

Sue Salamido, an attorney at Cloppert Latanick Sauter & Washburn LLP, said law clerks are great helping hands at her firm as well.

"Right now we have one law clerk. We have always had a law clerk and sometimes we have two," she said.

"They are a help, absolutely. They provide insight more experienced attorneys overlook because (experienced attorneys) are so used to being in the process," Salamido said.

She agreed with Miller that law clerks gain valuable experience while on the job.

"We try to give them exposure to a broad spectrum — from memos, intakes, drafting motions, depositions, to trials. I use them a lot for research," she said.

Salamido said hiring law clerks makes for a win-win situation.

"It does save the firm money and it saves our clients money because we can bill them at a lower rate," she said.

Also, law clerk positions can serve as a probationary period for potential employees, which saves time and helps a firm that may be growing.

"Our last law clerk we did hire on as an associate and we wouldn't hesitate to do so again if we have the opportunity," she said.

Salamido said a large part of her firm's practice is employment law and the firm has a relationship with local employment law professors, often obtaining their clerks through suggestions from those professionals.

"If they have an exceptional student they will refer a name to us. Capital (University Law School) has law clerk interviews and we participate in those," she added.

~ KATIE SPARKS



*"Our last law clerk we did hire on as an associate and we wouldn't hesitate to do so again if we have the opportunity."*

— Salamido





# Product Review

## Anytime, anywhere Internet access + mini computer = one happy techie



*The Mini also has Windows XP Home Edition, which means it has the basic tools you need to write letters, create spreadsheets, etc., but with an 80 GB hard drive and 1.6 GHz processor, you also have room to install whatever programs you normally use on your desktop computer or larger laptop.*

I don't deny it: I'm a techie. I love gadgets. I have to have the latest phone, the latest computer, the newest digital SLR camera with lots of lenses, a GPS with a big screen that I can take with me in any car I'm driving, an e-book ... I was even among the early Wii purchasers and I don't even LIKE video games! I believe you probably get the picture.

When I learned I could "test drive" Verizon Wireless' new HP Mini 1151NR in mid-May, the week the product was released to the public, I thought Christmas had come earlier. I was familiar with Verizon's wireless USB modem and happy with the way it worked with my MacBook Pro so I expected the new HP Mini with its built-in mobile broadband card to be equally convenient. It isn't: It's much more convenient.

First, and most obviously, there's no USB device to plug into the computer. While using a USB device isn't a major inconvenience, it's one more thing to have to carry around. With the Mini, you just flip the power button, wait for Windows to load, then start the VZ Access Manager software to choose a connection with either the Verizon network or any accessible Wi-Fi network. The connection time to the Verizon network is relatively quick — no complaints there, and I've even challenged it by going online in the car while swishing down the mountain roads of West Virginia. (And for clarification, I was a passenger, not the driver.)

The computer is so lightweight I can easily take it with me when I travel by car or plane — or just when I'm going

out to sit on the patio. I can carry it in my purse — which, I admit, is a little on the large side — but at just 2.4 pounds, it would fit equally as well in even a small briefcase.

For those of you who say your Blackberry offers the same advantages, I say, "You're right." But there are a few major differences.

I understand the convenience of carrying a phone that accesses the Internet quickly and easily — forwarded e-mail and real-time sports scores — but my 50-plus-year-old eyes do not like looking at Web pages via a tiny telephone screen (even if it is a whopping 3.25 inches). When I seek information from the Internet, I want a screen big enough (10.1 inches, in this case) to show me everything I need with just a couple of scrolls of the browser. Plus, the Mini has a full-sized keyboard and since I don't have it on at inopportune times, it doesn't beep to let me know I have junk e-mail waiting for me while I'm in the middle of a meeting.

The Mini also has Windows XP Home Edition, which means it has the basic tools you need to write letters, create spreadsheets, etc., but with an 80 GB hard drive and 1.6 GHz processor, you also have room to install whatever programs you normally use on your desktop computer or larger laptop. It does have an ethernet connection; it does not have a CD drive — minor inconvenience since files can be transferred from "thumb" drives or wirelessly. It also has a built-in Web cam for online conferences or video chats between grandparents and grandkids.

Verizon's price for the Mini is \$199.99 with a two-year agreement on a mobile broadband plan, which is \$39.99 monthly for a 250 MB allowance (10 cents per MB overage) or \$59.99 monthly for a 5 GB allowance (5 cents per MB overage). To put the allowances into perspective, Verizon explains that an approximate size for e-mails, no attachments, is about 3 KB, which means under the smaller plan, you could send/receive approximately 85,300 e-mails; a typical Web page lookup uses about 300 kb per, which means you could view approximately 850 pages with the smaller plan. The larger plan would provide about 1.75 million e-mails or almost 17,500 Web page views. Of course, most of us use the Internet for a combination of activities, from downloading music, to transferring photos, to sending documents to our colleagues, so exact figures for an individual's use are difficult to determine, but after a few weeks' usage it won't be hard to figure out which plan you need — and

you can change plans if you determine you've chosen the wrong one.

I suppose if I had to find negatives with the product, I'd prefer to have some type of more convenient AC cord — one that is retractable, on a reel, somehow smaller than the traditional cord — and less expensive pricing, but that would be about it.

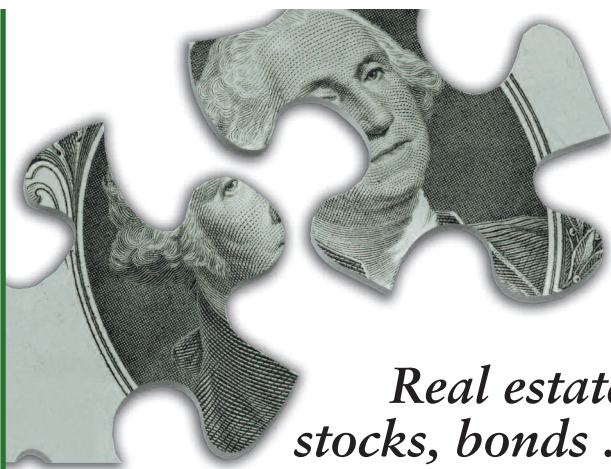
Really though, I have no complaints with the HP Mini from Verizon. I like having any-time, anywhere access to the Internet. I like the fact that I can stay within the confines of Verizon's lower priced broadband package by using Wi-Fi connections when they're available, and I'm extremely impressed with the portability of the unit. I'd think it would be a great system to tuck into the briefcase when going out to visit clients or heading to the courthouse — and when going on vacation.

For more information on the HPMini1151NR from Verizon Wireless, visit [verizonwireless.com](http://verizonwireless.com) and under the Phones & Accessories tab, select "Netbooks."

~ CINDY LUDLOW







## Real estate, stocks, bonds ...?

### The choices for retirement investments are plentiful

During rough economic times, and those may not be confined to a formal recession, many business people find it difficult to plan for retirement: Every penny earned goes toward family finances, is socked back into the business, or is tucked into a savings account that makes such little interest one considers reverting to the old-fashioned "under the mattress" savings plan.

So, you may ask, when is the best time to start planning for retirement? The answer is always, "As soon as you can," but financial professionals may help you fine tune the answer to fit your unique situation.

James A. Zitesman, the Columbus Bar Association's new chair of the Small Firm/Solo Practitioner Committee, recently offered some suggestions for small firm attorneys and solo practitioners who are beginning to take a serious look at retirement savings.

Mutual funds, or collective investments, are popular choices when investing for retirement, Zitesman said.

"Before I became a lawyer I was a stock broker. A lot of people choose mutual funds, but everyone has to make their own decisions because there's risk involved. But, many of us are doing some kind of mutual fund investing," he said.

Zitesman noted there are several things to consider when it comes to mutual funds.

"Each person has to determine what his or her threshold of risk is and how far he or she is from retirement. Do you have a dual income? I'm lucky to have a working wife who is a professional. As a sole practitioner, there is only so much out there that is available," he said.

Yet another investment option when planning for retirement is real estate.

"Because my practice is focused on real estate, that is where I am looking. Donald Trump has even said this is a great time to invest in real estate, but that is personally decided. That is what I know and that is what is comfortable to me, but it is not for everybody," Zitesman said.

Real estate is an investment that has some dependability, he added.

"We are seeing low interest rates. If you think about it, we are in place for higher interest rates in the future. You want to lock into low rate, long-term financing now, so you get a good rate. Real estate doesn't go to zero whereas stocks can — I mean look at General Motors. Our houses (values) go up and down, but they don't go to zero," Zitesman said.

Yet another option for solos and small firm attorneys: bonds. Bond holders act as lenders to companies and bonds mature over time. There are many different types of bonds and, as with all investments, consulting a financial advisor is a wise move for beginners.

"Bonds are historically seen as a safe tax investment, but that is not necessarily true," Zitesman said.

He added that having a good mix of investments and using common sense is very important.

"It really depends on where you are in life and what your expectations are and what you are trying to achieve. It's a very personal thing," he said.

He added that people new to investing should be leery of opportunities that sound too good to be true because, as the saying goes, they probably are.

"I had a guy call me from New York, and he thinks he's got a hot deal and that I'm going to be impressed because he is from New York. He thinks I have 'sucker' written across my forehead. With a lot of it, you have to be willing to walk away. Sometimes the best investments are the ones you don't make," he said.

"I've seen a lot of people over the years going for that get-rich-quick scheme, home run-type strategy. Seldom do they work out."

Whatever choice you make as an investor, don't limit yourself to one option, Zitesman said. Diversification is key to all investments.

"Diversification; It's the old adage: Don't put all your eggs in one basket. It seems to hold true over time," he concluded.

~ KATIE SPARKS

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