

Inside the Law Office

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**Are you a good businessperson
as well as a good attorney?**

*Networking, marketing, finding a knowledgeable mentor
and a reliable peer to be your back-up for emergencies —
don't overlook the 'little' details of business.*

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

March 2009 — Issue 2

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A supplement to The Daily Reporter

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This Issue's Focus: Business Development

As we began compiling the articles for this issue of *Inside the Law Office*, we soon realized our research — in the areas of finance, marketing, personnel and technology — all led to a common theme: business development.

It should come as a surprise to no one that most businesses, including the legal profession, are concerned about the state of the economy, and therefore the well-being of their businesses.

So when the going gets tough, what's the sole practitioner or the small firm to do? According to what we found in preparing these articles, the first step is simply to get out there and make sure people know you exist.

Brush up on your networking, make sure your name is in the right places and do everything in your power to ensure those who come in contact with you that you are the most credible attorney and the most trustworthy business professional they ever have encountered.

But while you're doing all this, remember you also need a life outside the office. It's often hard for small businesspeople to get away from work, yet a little time away can do wonders toward giving you a new outlook on life. Do what a lot of parents do when they want a night out: Find someone you trust to watch your "baby" and be willing to reciprocate.

We hope you enjoy the articles we've presented in this quarter's *Inside the Law Office*, and we'd love to have feedback from you. Naturally, we prefer that you say *nice* things, but we understand we'll probably learn more from your constructive criticism, so feel free to be honest with us.

As we said in the first issue of this magazine last fall, we're prepared for our look and content to evolve, depending on the direction you give us. Let us know what topics you would like to read about by dropping us a note at editor@sourcenews.com.

~ CINDY LUDLOW, EDITOR

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Networking is key — Get started now, don't waste another minute

No matter the size of your practice, the area of law in which you specialize or your long-term goals, business development should never fall too low on the priority list.

Julie Fleming, a business-executive coach who contributes to the online Legal Trends Network — www.legaltrends.net — has instructed associate-level lawyers they should only be concerned with business development and networking — the foundation of business development — if these attorneys want to build a career. Any career, she emphasized.

"Bottom line: Almost regardless of what kind of work you do, business development will play a role," she wrote in a recent LTN article. "Get started now. Delay won't make it easier."

She has recognized the harshness of her message, but the point she makes shouldn't detract from its veracity.

"The best time to begin thinking about business development is a few years ago, and the second best time is now," she said. "That's true even if you graduated from law school this week."

Though college and law school classmates may not be in the best position to deliver high-dollar legal work now, Fleming suggested, some former classmates may be able to help at some point in their professional lives.

"They'll want to send their work to someone they know, like and trust," she continued. "Who better than a long-time friend who's established a strong professional reputation? If you aren't that person, one of the classmates with whom you've lost touch very well may be.

"Likewise, the low-level employee with whom you discuss interrogatory responses will go up the chain of command as you do. Wouldn't it be nice to have a strong relationship with her as she moves into positions of power?"

Also, inexcusable according to Fleming's ideology, is a legal professional who believes he is no good at business development and, therefore, willing to accept the perceived shortcoming.

"Perhaps you'll never be a rainmaker extraordinaire," Fleming wrote. "But you can learn some skills and you can polish your approach. You can implement plans to make sure you're regularly performing the activities likely to lead to new business.

"Observation convinces me that, especially with some guidance and assistance from a mentor or coach, someone who is dedicated to business development will succeed."

She explained the level of success and ease of achieving that success may vary, but if an individual doesn't try, he will not succeed. Don't fall prey to the thought that inexperience or discomfort with client development means rainmaker status is illusory, Fleming added.

A solo practitioner is no different than a partner of a more substantial firm in that the attorney must be able to show he has an ability to generate business. And portable business is key for the solo practitioner or lawyers at a small firm.

"Lawyers up to their third or fourth year of practice may make a lateral move without portables," Fleming observed. "Past that level, however, such a move is difficult (always, and even more so in today's economic environment) if not impossible."

Suzanne Dupree Howe, managing director of BCG Attorney Search in Texas, commented recently on Lateral Attorney Report, that it has puzzled her how little training is given to associates in fostering and encouraging their business development skills.

"Business acumen and legal skills often do not go hand in hand," she wrote. "Why don't more law schools offer a course on business development ... ?"

Howe offered the following tips to lawyers who may need to work on their business development aptitude:


- Tap into your personal network. Take a contact to lunch, keep it low-pressure, and mention that you'd love an opportunity to earn their business if the opportunity presents itself.

- Ask a mentor or trusted peer for help and guidance.


- You don't have to move mountains, just start the climb.

~ KEITH ARNOLD


values are no mystery ...



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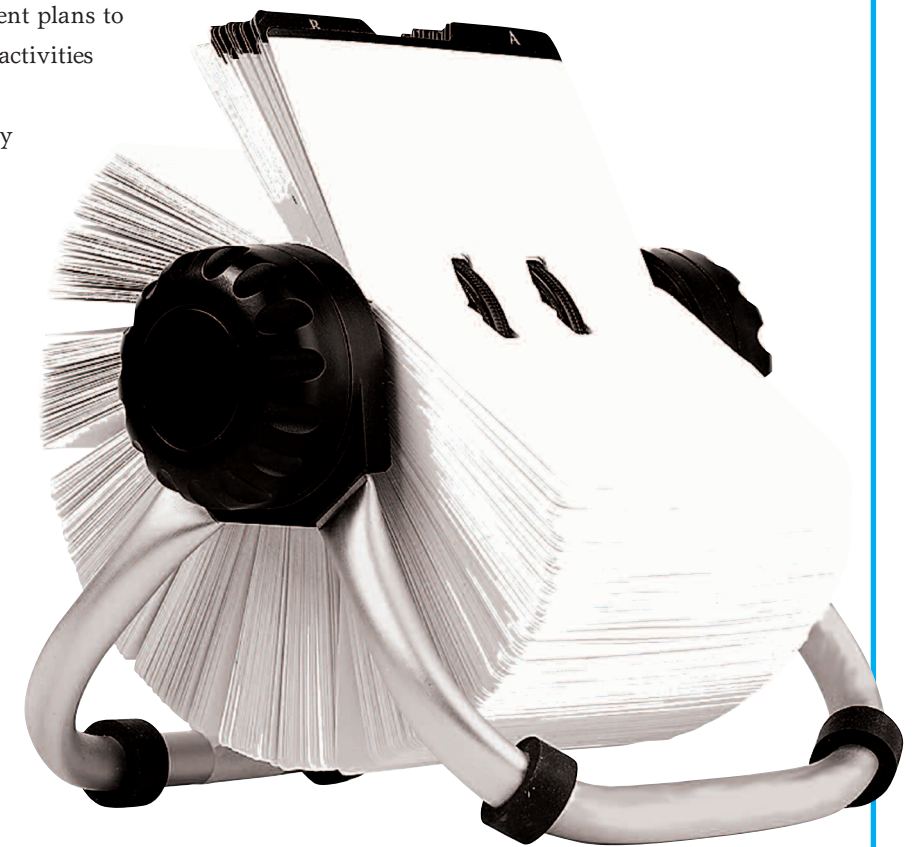
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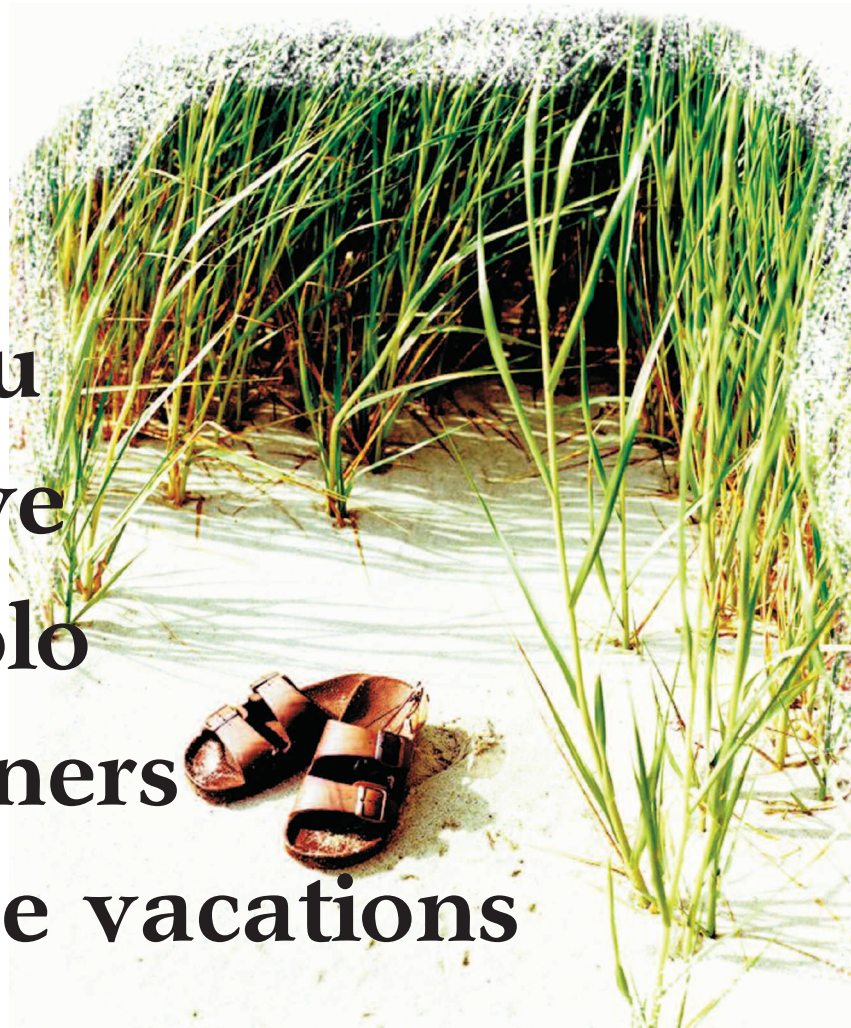
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Despite what you may have heard, solo practitioners CAN take vacations



Being a solo practitioner means you are your own boss ... which is nice, but it also means that if you're suddenly called out of town or simply want to take a family vacation, there's no lawyer back at the office to cover issues that might arise.

As a result, most solo practitioners rely on colleagues to handle any matters that may come up while they are away.

"If I take a vacation I have a friend who takes care of anything that might happen," said Robert Erney, a Columbus solo practitioner. "I also leave a voice message on my answering machine explaining that I'm out of town and leaving a cell phone number."

Indeed, solo practitioners these days are truly never away from the office thanks to technology.

Erney said he'll answer e-mails and occasionally make phone calls while he's taking time off.

"All of those workplace assistant things have really helped," said Erney.

Between cell phones and e-mails, solo practitioners can much more easily keep in touch with their offices and clients than they were able to a generation ago.

But it's not just the electronic helpers that make getting away from the office easier. Most solo practitioners today have a paralegal or an assistant who helps manages the work.

"There are not very many solo practitioners who truly go it alone," said Erney.

The paralegal or assistant can be a big help when the boss is away, putting out the small fires or answering simple questions that do not need to be addressed by the attorney.

However, there are some solo practitioners who are truly one-man shows.

"There are some. Those are the types who are really tech-savvy. They can kick out briefs, court filings, it's a real paperless office," Erney said.

Generally, they do all of their own work more

out of necessity than because they're control freaks. It's mostly for economic reasons that they do not have a paralegal or assistant in their office.

Erney said that despite the occasional hassle, it's important to get away from the office.

"I think family vacations are important. You need to honor and respect that," he said.

When to take the vacation is another key factor to ensure the break is as free of disruptions from the office as possible.

"Timing is everything. You have to very selectively choose when to take a vacation. We do go through calm periods," said Erney, who started his practice in 1998 with two other associates but has been going solo for the past two years.

He said that, by far, the biggest adjustment was not having a fellow lawyer there as a back-up.

"Realizing that I'm responsible for all of the legal work without being able to delegate and with no assistance — the buck really does stop with me — has been an adjustment," Erney said. "But it's a labor of love."

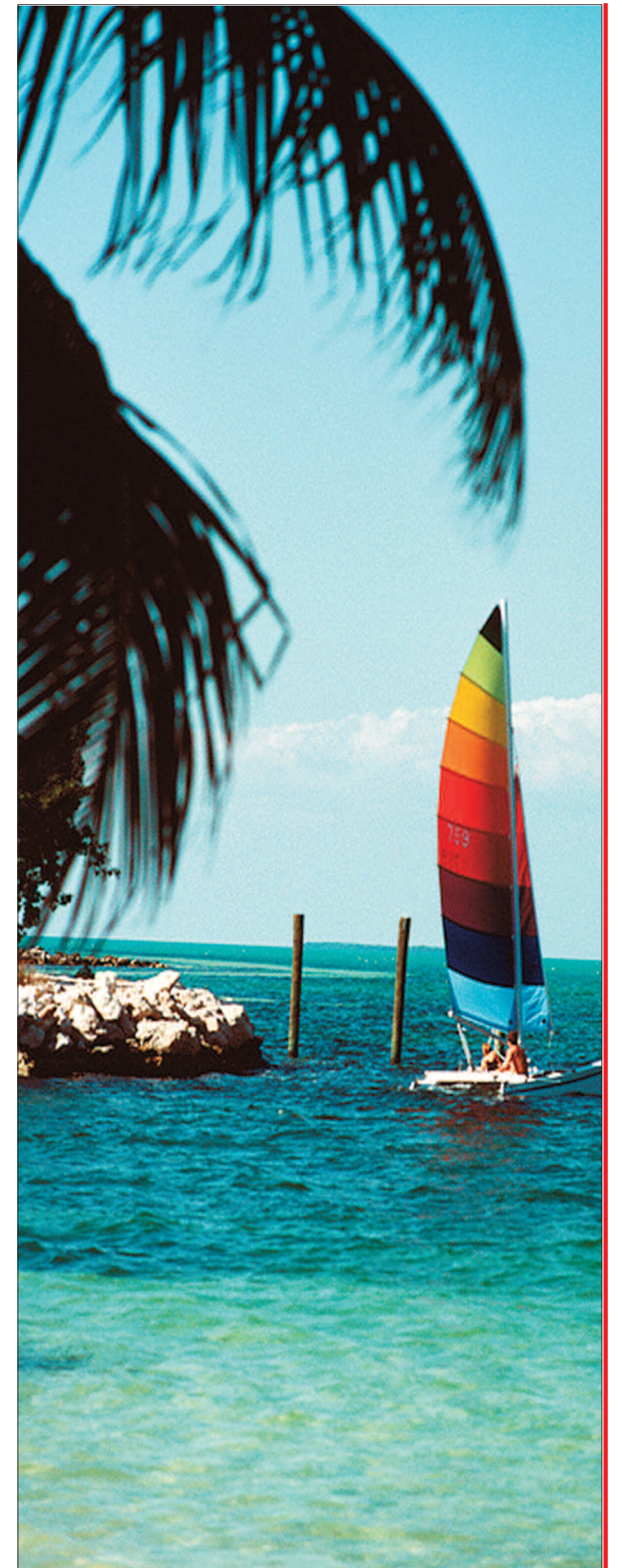
Other factors solo practitioners need to consider when getting away is that if there is a colleague who can help out, that person should be given plenty of warning and not asked for help at the last moment unless it's truly an emergency situation, such as a family issue.

Most solo practitioners recommend asking friends in the field to help, but they should limit their search just to their circle of colleagues. Attorneys can also search bar association directories, for example, to find someone willing to assist.

From an economical standpoint, perhaps asking a new or young lawyer who is willing to work for less money than a veteran attorney is a good option.

To ensure you can find help, local professionals recommend making sure your fellow attorneys know you're willing to reciprocate by watching the shop when they are away for their much-needed family vacations or emergency situations.

~ RICK ADAMCZAK



Directory assistance: Listing practice on the right site can pay off

*But don't overlook
the value of print*

Some say the more hits on a search engine, the better shot an attorney has at reaching his target audience — whether it be a fellow lawyer or a potential client.

And it's that mindset which has online directory managers and service providers working to convince the solo practitioner or attorney at a small firm to cast a wide net and keep an eye out for the freebies.

Anne Leonard-Palmer, who heads up the Columbus Bar Association's Columbus Lawyer Finder, an online directory facilitating referrals for prospective clients, said the free listings for attorneys are a must.

"If it's a free directory, I encourage every lawyer to get their name on it," she said.

Popular search engines, such as Google, tend to operate using a ranking system based upon the number of times information is sought about the subject of the search. The more hits on a firm's name or those of individual lawyers, the more likely Google is to see you, Leonard-Palmer explained.

"Each time your name pops up, Google will see your key word as being a little more relevant," she said, making the case for free directories.

Because there are so many options, however, a solo practitioner or small firm may want to consider the directory's sponsor and any other associations the organization may have. Those linked to bar-related organizations and other entities interested in promoting access to law and justice are a safe bet, Leonard-Palmer suggested.

Despite professionals of all stripes gravitating toward a greater reliance on electronic applications and their associated gadgets, Fran Sandweg, company sales manager for Legal Directories Publishing, said the bound directories such as those his company produces for the state bar associations of 12 states, including Ohio, still have a place in the small legal office.

He characterized the pulp version's appeal as mostly generational.

"Pulling the directory from a shelf is so much quicker" to a specific segment of the legal profession "and more user friendly — right now," Sandweg said.

The writing is on the wall, however.

Legal Directories also produces electronic versions of

the bound directories and hosts its own search.

"That market is different than the book," he said. "It's more directed toward someone who needs an attorney, rather than attorney-to-attorney referrals (like its bound predecessor).

"Because the electronic/online directory fills a need, many of our clients are putting in orders for both."

Sandweg admitted he was surprised a complete transition from print to electronic and online resources hasn't taken place.

"I thought we really would start to see a pretty quick movement to eliminate the print version," he said.

Not the case, though. He said the company sells 95 percent of the printed directories it sold when he began working for the company 14 years ago.

"We're playing both sides of the street," he added, suggesting his clients are getting some "pretty darn good exposure" by using both sets of tools.

Jill Snitcher McQuain, assistant executive director of Columbus Bar Association's communications and membership efforts, seconded Sandweg's assertion. She said advertiser and member interest in the local bar's directory has remained consistent. She suggested the legal profession may be unique in its fondness for bound volumes.

"Much of business can be based on referral," said Dena Falken, CEO of Legal-Ease International Inc.

She suggested smaller directories with fewer lawyers but many readers are the most effective targets for the small firm or solo practitioner.

"Placement on online directories puts a lawyer's name or service provider in front of potential clients seeking counsel, and positions you as an expert," Falken added.

"If we can't find you, potential clients can't find you."

~ KEITH ARNOLD

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Are credibility busters hindering your career?



Do you have what it takes to be a viable member of the 21st century business community? Are you sure?

Globalization, virtual collaboration, and the rise of the project-based workforce have changed all the rules. These days business leaders must know how to influence others, communicate clearly and elicit trust.

"Whether you're an employee, a leader or an entrepreneur, personal credibility is truly a 'magic bullet' for success," said Sandy Allgeier, author of *The Personal Credibility Factor: How to Get It, Keep It, and Get It Back (If You've Lost It)*.

"It forms other people's opinions of you, shapes their interactions with you and helps them decide whether to trust and respect you. In other words, it leads to healthy, productive relationships — and relationships are the vehicles through which business happens."

How, you might ask, does this author define personal credibility? Allgeier explains that personal credibility is "about respect, trust, and being believable."

In short, personal credibility means you are judged by your actions. What you do — and don't do — determines other people's perceptions of whether you have it. It may be most obvious when it is absent.

Allgeier summarizes a dozen-plus pointers that she says will help business people avoid "credibility busters."

What are the most common ways of losing credibility, according to Allgeier?

- You lose credibility when you fail to do what you say

you will do or fail to deliver on the promises or commitments you make.

"How often do you say, 'I'll get that to you today'... and then you don't?" asked Allgeier. "Or 'I'll call you back in a few minutes'... and then you don't? Most people are forgiving when this happens — to a point. But when you make a regular habit of this, well, you quickly become labeled as a promise-breaker. If you're not sure you can follow through on your promises, don't make them — period!"

- Business people can quickly lose credibility when they repeatedly break appointments (or frequently reschedule them). When you make meetings and appointments, other people expect you to keep those commitments, said Allgeier.

"Yes, life can be hectic and sometimes you have no choice but to reschedule. That's precisely why you must do everything in your power to keep your appointments most of the time. Then, when you have to make an exception, it will be just that — an exception," she said.

- Similarly, people who constantly show up late usually don't have much credibility with their peers or their clients.

"You say you will meet a client at 11:30. You call her on your cell phone and say, 'I'll be right there — I'm caught in traffic,' and then you arrive at 11:45. It's bad enough to do this to a friend, but in the business arena, where people tend to be less forgiving, it can be the kiss of death.

"Plan ahead and arrive a little early — consistently," suggested Allgeier. "Not only is your credibility protected, your

stress level is reduced by avoiding that last-minute rush!"

- How professional does a business professional look when he has a messy desk or disorganized office? To most of us, this appearance of carelessness is just a sign that the person probably is going to treat your business as haphazardly as he or she treats his own. Is that the image you want your clients to have?

"Sometimes creative people, in particular, think they're exempt from the 'neatness counts' rule," she noted. "They're not. When you're disorganized, important things will fall through the cracks, and if you're sloppily dressed, people assume you're equally sloppy in your work. Allow enough time at both ends of the day to look neatly put together and to file away your papers. It makes a world of difference!"

- Many people take the attitude that little white lies don't hurt — in fact, they sometimes prevent hurt feelings. But the reality is, those little lies can morph into much bigger ones.

Let's say you're preparing an important presentation for a client, but hit an internal snag and miss your deadline. Rather than admit you dropped the ball, you blame your tardiness on a vendor: "Sorry, the printer had trouble..." It turns out your client had built a few extra days into her deadline, so she's not upset at all. No harm done, right? Wrong!

Over the weekend, your client runs into the owner of the print shop at a party and mentions how nice the finished project looks, adding, "...so even though it took a day to get the problem straightened out, the end result was worth it!"

Puzzled, the printer asks, "What do you mean? We turned that job around in record time!" With that single chance encounter, your credibility is busted — not only with your client, but also with the printer who now knows you sold him down the river.

"Admitting to a mistake is far better than being forever branded a liar and backstabber. When you lose someone's trust in this way, you can never get it back," said Allgeier.

- You aren't Super Hero Lawyer. Chances are, you can't do everything yourself every day. Small offices may have limited capabilities, but as long as you recognize your limitations and don't try to pretend you're invincible, you'll come out looking like a respected professional.

When you over-commit, something is going to suffer — and most likely, everything will.

- Don't reduce your credibility by being a rigid rule enforcer rather than a flexible problem solver. Rules are basically guidelines to ensure business is done properly.

However, personal credibility suffers when we rely only on rules and policies instead of trying to be flexible enough to help others solve problems.

"It's easy to say, 'That's against the rules!'" said Allgeier. "But it's no way to win friends and influence people. It's usually better to say, 'Let's figure out what the problem is and see if there is a way to solve it!' People trust problem solvers. They don't trust rule mongers and bureaucrats who are hung up on following procedure at the expense of common sense."

- Does your body language, and for that matter, your vocal tone, match your words when you're talking to clients, staff or your peers? When you become a little bored or distracted while someone is talking to you, do your eyes wander around the room? Or, do you stifle a yawn while you are attempting to look interested and engaged?

Maybe you say "nice things" to someone, but your vocal tone is flat or disinterested. Your credibility is dramatically reduced when your body and tone are not in sync with the words you're saying.

"As humans, we react much more quickly to tone and body language than we do to words," noted Allgeier. "Be conscious of your body language and your tone and make sure you're sending the message you mean to send. Work on genuinely staying in the moment when you talk to someone. This way you won't have to 'give the impression' that you're engaged — because you really will be."

Allgeier suggested focusing on one "credibility buster" at a time because seeing the results of one personality change will spur you on to keep improving yourself.

"Make a conscious effort to stop committing these sins and your life will change in ways you could never have foreseen," she said. "When people feel they can trust you, a seismic shift happens in your relationships. Everything improves: your marriage, your relationship with your kids, your relationship with colleagues and coworkers."

—

*Sandy Allgeier is a consultant, trainer, and facilitator who assists organizations in maximizing their human potential. Prior to beginning her consulting business in early 2000, she had over 25 years of experience as a human resources professional. The *Personal Credibility Factor: How to Get It, Keep It, and Get It Back (If You've Lost It)* is available at bookstores nationwide and from major online booksellers. For more information, visit www.personalcredibility.com and www.ftpress.com.*

~ DAILY REPORTER STAFF

Start thinking about taxes even before you start making money

The taxes associated with doing business as a solo practitioner are no less involved than those related to a small firm or other small business, according to Ohio tax officials.

A Columbus lawyer who decides to hang her shingle in a rented storefront near the Franklin County Courthouse is treated — for tax purposes — just as any other sole proprietor, said Peter Angus, legal counsel for compliance at the Ohio Department of Taxation. That's even if she has registered the business as a limited liability company with the Ohio secretary of state's office. The LLC designation does not extend to the tax liability of the company, Angus explained.

In keeping with the scenario, the business earns the solo practitioner an annual salary of \$100,000 and enough to pay its sole employee — a paralegal — \$35,000 a year. As total earnings of the business fall below \$150,000 a year, the lawyer is not required to register for commercial activity tax.

The CAT is an annual tax measured by taxable gross receipts from most business activities, according to the taxation department Web site — tax.ohio.gov. Most receipts generated in the ordinary course of business are subject to the CAT, the site outlined. The CAT, however, only applies to those gross receipts that are sourced to Ohio.

Angus explained that because the lawyer in this example is self-employed, she would have to report and pay taxes on the business' earnings on a quarterly basis. Taxes would be filed under 1040 Schedule C, he said.

As for personnel-related taxes, the solo practitioner would have to establish the appropriate withholdings for both federal and state taxes, unemployment, workers' compensation and the Federal Insurance Contributions Act, or FICA, tax.

All of this should be considered and planned for before Day 1 of operations, Angus said.

"It's good to be thinking about all of this before you start making money," he added.

Mike McKinney, a department spokesman, suggested lawyers in the planning stages of a new business consult the Ohio Business Gateway at business.ohio.gov. The Web site serves to simplify the relationship between business and state government by assisting entrepreneurs and small business owners finish the transaction and locate important information in an efficient manner.

Features of the site include a "How do I?" section and links to details about licenses and permits, compliance and uniform commercial code filings, among other information.

Angus also referred those interested in starting up a business to the U.S. Internal Revenue Service Web site at www.irs.gov.

"There's tons of information about small businesses and self-employed individuals," he said.

~ KEITH ARNOLD



Mentors are fountains of knowledge for young legal practitioners

Whether an attorney is starting his own solo law practice right out of law school or after several years of cutting his teeth at large firms, a mentor may be a godsend to those planning to go it alone.

If a person is leaving a medium or large-size firm, they likely have cultivated connections and it will probably be easier for them to find someone to use for advice or discuss ideas.

New lawyers need not fret, however, about finding a mentor or coach since there are several networking and formal mentor programs now available.

Just within the past four years, the Supreme Court of Ohio and the Columbus Bar Association have started mentor programs.

"We feel that if you think you need a mentor you probably do need a mentor," said Alysha Clous, mentoring program coordinator for the CBA.

CONTINUED ON PAGE 14

She said the bar association started its mentor program with the primary intention of helping solo practitioners find mentors, but that the program has been so popular that attorneys from all sizes of firms are participating.

"We figured it would be for solo practitioners. We started with that in mind, but it's expanded," Clous said. "But we certainly have a lot of smaller firms or solo practitioners who participate."

The CBA encourages its mentors and mentees to meet once a month for 12 months.

The mentor's role is to provide information, guidance and support that will help the less experienced lawyer develop and succeed.

Most of the mentees are in their first five years of practice but more experienced transitioning attorneys have also participated as mentees.

"The need is out there. It might be that the need is even increasing with the way the economy is going," said Clous. "It's very important for people."

She said mentors and coaches are useful not only for new attorneys but for lawyers at all stages of their careers.

"You go through changes fast. You need a mentor when you become a new lawyer, when you become a partner, when you become a managing partner," said Clous.

Meanwhile, the Supreme Court's lawyer-to-lawyer mentoring program started in 2006 to help ease the transition from law school into the law office.

"Mentors not only help out with the intellectual challenges that practicing law brings but also assist with a new lawyer's acclimation to the legal workplace and new identity as a legal professional," according to the court's Web site.

The program was initiated by Chief Justice Thomas Moyer and Justice Terrence O'Donnell and developed by the court's Commission on Professionalism, with input from law schools, bar associations and law firms throughout Ohio.

The court, which made its pilot mentoring permanent last fall, also encourages judges to serve as mentors for attorneys since they likely have a different perspective on practicing law.

According to the Georgia Supreme Court, roughly 85 percent of that state's mentees are mentored by a member of his or her own law firm. Another 5 percent, mostly solo practitioners, are mentored by outside mentors. The remaining 10 percent are not engaged in legal practice and participate in group mentoring sessions.

~ RICK ADAMCZAK



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