

Inside the Law Office

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more positive experiences
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Inside the Law Office

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This issue's focus: Play to your strengths

I've long felt that the world is made up of two types of people: word people and number people. I am very firmly planted in the first subset, as I believe are most attorneys. It isn't that I can't handle numbers - in the form of checkbooks, budgets, etc. - it's that I choose not to unless absolutely necessary. Words come easily, numbers seem to create a rush-hour type congestion in my thought processes.

The point I am trying to make is that as a small business owner, you may encounter similar roadblocks in regard to various duties, whether it be accounting, technology, finding a new office or designing your marketing materials. If the challenge of handling these chores proves to be taking too much of your time and effort, the best solution may be to outsource the work that doesn't require your direct involvement.

Terri-Lynne Smiles, a local attorney who does outsource some of her company's work, tells us in this issue (page 7), "Play to your strengths and outsource your weaknesses to make sure things get done." It sounds logical, doesn't it? But that doesn't mean it's easy.

It's hard enough for business owners and managers to relinquish duties to another person, but once they've made the decision to do so they have another difficult decision in trying to decide which companies or individuals are deserving of their trust. Peers can provide guidance - one of the benefits of networking and mentoring (page 14), as can groups such as Ohio's Small Business Development Centers (page 5).

I've touched on some of the topics covered in this issue of *Inside the Law Office*, and there are more useful tidbits of information waiting for you inside, but I know there are multitudes of business concerns we have not addressed. That's where we need your help.

We encourage you to 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
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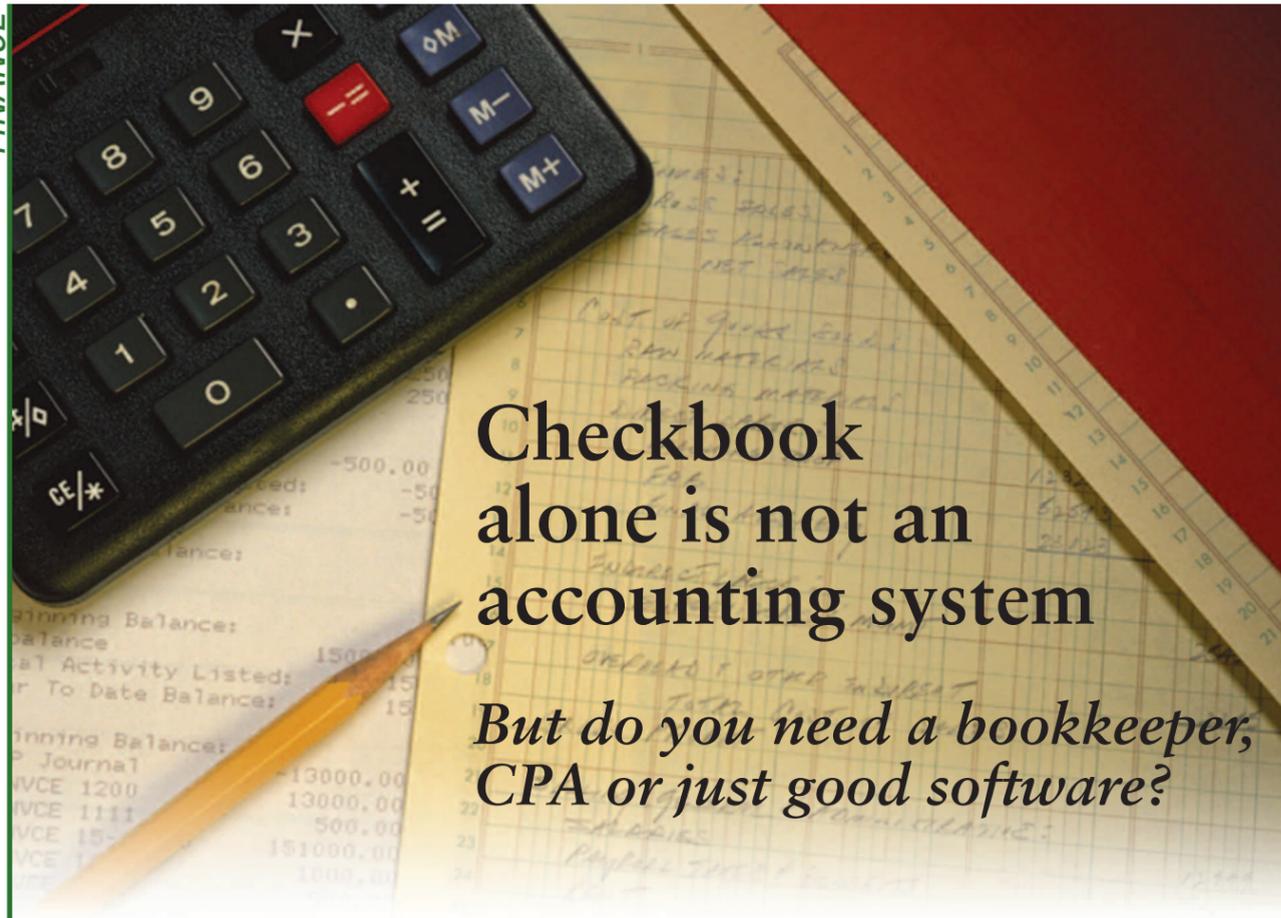
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Checkbook alone is not an accounting system

But do you need a bookkeeper, CPA or just good software?

values are no mystery ...

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A state development official has drawn a line in the sand as clear and unmistakable as the number of zeros a corporate comptroller painstakingly marks in the company books.

"Not having an accounting system is not an option," said Iris Cooper, director of the Entrepreneurship and Small Business Division, with regard to solo practitioners and small firm operators who may struggle with the challenges created by low overhead. "And it (the accounting system) has to be more than a checkbook."

The right accounting system often begins with hiring the right financial professional. According to an article on Bankrate.com, here are a few areas where an accountant can provide some extra help to entrepreneurs.

- Tax planning — Accountants do much more than just prepare tax returns. They should be involved in the planning stage of any new business and can offer advice on choosing a business entity, setting up bookkeeping systems and negotiating leases. Once a business is operational, an accountant is still needed to prepare annual information returns, do quarterly reviews and offer advice.

- Business planning — A good accountant can take on the role of general business consultant.
- Networking — Accountants are a great source of referrals. An accountant may have one client who is seeking financing and another who is looking for a good investment; the accountant can put the two together. Accountants can also refer other professionals, such as attorneys, insurance brokers or bankers, to small business clients. They may even refer customers.
- Personal tax planning — Personal tax issues often are closely related to and affected by business tax issues.

Additionally, an accountant should be able to steer the small office operator in the right direction.

"There are a whole host of things you've got to be aware of just so that you get started on the right foot," Cooper said, offering as an example the regulations and tax advantages of a corporation and the implications of hiring employees. "You should have a conversation with several record-keeping professionals. You may not necessarily need to have a CPA."

Alternatives would be utilizing a bookkeeper or a software package.

"It really depends on the business ...," she added.

Bankrate.com suggested business owners frequently are confused by the certified public accountant designation. A CPA has a specific level of education and experience and has taken tests to prove competency, the article stated. While certain situations demand a CPA's involvement — such as an audit or loan application — other tasks such as bookkeeping, preparation of tax returns or write-up work can be handled efficiently by a general accountant.

Cooper was complimentary of some of the software packages on the market, such as QuickBooks, which may be sufficient for a solo practitioner. The person running the software, however, must know how to use it, she qualified.

The Small Business Development Center at Columbus State Community College should be an entrepreneur's first stop.

"We have trained counselors who can walk any individual through the process of starting a new business," Cooper said.

The services offered to the public are free with the exception of some special training sessions that are nominally priced. There are 38 other centers throughout Ohio, she added.

The Bankrate.com piece outlined the importance of finding the individual or accounting system for the business and its manager. Business goals are directly tied to the relationship cultivated with your accountant, the article indicated.

"You have to be able to trust their judgment and have them talk to you in a vocabulary and style that you understand," Cooper added.

She said there is no excuse for a small business operator or solo practitioner to not know how to read the business' financial statement.

"No, no. That's not the way," she scolded.

~ KEITH ARNOLD



Play to your strengths, *outsource your weaknesses*

According to a legal advice article from LexisNexis the following have the potential to be outsourced:

- Drafting initial pleadings
- Drafting answers
- Composing interrogatories
- Drafting requests for production of documents
- Drafting deposition notices
- Drafting notices to compel discovery
- Drafting standard motions for continuances
- Examining documents to respond to document requests
- Compiling lists of documents and numbering them
- Legal research
- Drafting standard contracts
- Drafting standard releases
- Preparing letters to clients and others
- Collating time sheets
- Billing clients
- Accounting for client funds

Without a doubt, outsourcing has its advantages. For smaller practices and solo practitioners, outsourcing work can be a timesaver and a moneysaver. Why do non-legal work — for which you may not be an authority — that takes time away from your billable hours, or otherwise would cause you to hire another full- or part-time employee?

Many smaller firms outsource time-consuming tasks to local companies that specialize in particular fields.

Collis Smiles & Collis LLC of Columbus is a firm that outsources to save time and money, and according to its attorneys, to ensure work is done properly.

“We outsource all of our bookkeeping and accounting and we do that because, quite frankly we are bad at it,” said attorney Terri-Lynne Smiles.

“Smaller firms have a big obstacle in not just paying their bills but making sure their invoices get out in a timely manner. By outsourcing we can ensure this,” said Smiles. “It saves our time, it gets the money in the door.

“My biggest message to the smaller firms is: Play to your strengths and outsource your weaknesses to make sure things get done,” said Smiles.

She said her firm has not outsourced its Web site yet, but is considering the option.

Brett Burney of Burney Consultants in Cleveland, works with law firms that wish to take full advantage of technology to save time and money.

Burney said small firms often outsource work if they have a huge litigation matter fall into their lap.

“There is a legal specific virtual assistance market. It consists of former paralegals from large law firms,” he said.

These people can become “virtual” staff by working from a remote location just as though they were sitting in your office, he said, noting that products such as Google Voice allow businesses to establish an out-of-office answering service.

Burney said outsourcing dictation is a popular option with some lawyers because it’s as simple as sending an MP3 file across town or across the continent.

However, Burney noted, some people simply are not comfortable outsourcing their work.

“I used to think it was generational, but I see it both ways it is more of a personality thing,” he said.

~ KATIE SPARKS

Get *your name* 'out there' in every way possible:

*print, TV,
radio ... and blogs*



It was about three decades ago when the most extravagant advertising or marketing a lawyer could do was to hand out business cards.

My, how that's changed.

Following a movement in the 1970s — that included some lawsuits over appropriate "behavior" for legal professionals — consumers have since been hit with a wave of advertisements from lawyers via newspaper, TV, radio and other media.

Now a second wave of attorney marketing and advertising has been added to the traditional media outlets, and attorneys are taking advantage of these new ways to build on their existing marketing plans.

Whether it's through blogging, Web sites or even Twitter, attorneys and law firms these days are taking advantage of new technologies like never before.

"There are lots of blogs out there. Lawyers are using them to build up their practices and drive people to their Web sites. They're using them to show their specializations and to set themselves up as experts," said Anne Leonard-Palmer, director of marketing for ColumbusLawyerFinder.com, which is operated by the Columbus Bar Association.

Indeed, the lawyers and law firms that first set up Web sites, now have enhanced those sites with legal information and blogs.

"Many of them, they're not just dabbling, they are actually getting new clients out of it," said Leonard-Palmer. "The ones that are doing well, they tend to have more of a natural bent toward marketing than others."

She said some attorneys will write not only about legal matters, but about a variety of topics — perhaps what's in the news that day or even sports — simply as a way to get clients or potential clients to visit their Web sites.

Brad Wrightsel of Wrightsel & Wrightsel in Columbus said he started blogging about three years ago.

"I've talked to some other lawyers who said they have benefited. I can't say we have. It's like being active with the bar association or other organizations. You can't always measure the benefit," he said. "It's a good way to try to keep your name out there."

He said the number of visitors to his blog "blows away" the traffic on his firm's Web site.

"A Web site is more like a business card on the Internet, where the blog is much more active," Wrightsel said.

But as the younger generations start to become clients, it's even more important to be at least a little tech-savvy.

"They expect it. They expect you to have a Web site," said Wrightsel.

He said that having a Web site is essential these days for any solo attorney or law firm, regardless of how big or small it is.

Wrightsel said he got into the technology reluctantly, first with a presence on the business-oriented social network LinkedIn.com and eventually Facebook and Twitter, though he said he uses those two sparingly. He said he has received some referrals from LinkedIn and Facebook.

All of this may not have been possible had it not been



for the loosening of restrictions on advertising by lawyers years ago.

In 1908, lawyer advertising, except for business cards, was banned by the American Bar Association through its code of ethics.

But during the 1970s there was a groundswell by the legal community to get the American Bar Association to lift its ban on advertising.

The matter reached the U.S. Supreme Court in the 1977 case *Bates v. State Bar of Arizona* in which the high court ruled the bar association's advertising restrictions as First Amendment violations, forcing the ABA to modify its code of ethics.

There was even a time a few years ago when some bar

associations were trying to determine whether their rules about attorney advertising could apply to blogs, though it raised serious First Amendment issues.

Despite the conflicts, attorneys who understand all aspects of marketing seem to be making themselves known to the most sought-after demographic groups, and that's unlikely to change any time soon.

~ RICK ADAMCZAK

Location, location, location

(It applies to law firms, too)

Upper Arlington attorney Wesley Newhouse never expected when he and two fellow attorneys struck out on their own and started a firm in 2006 that they would quickly outgrow their office space within three years.

"Now, we're a nine-lawyer, professional law firm," the managing member of Newhouse, Prophater, Letcher & Moots LLC said recently.

It wasn't that Newhouse and his partners didn't fully consider or adequately forecast their growth. He revealed a substantial amount of time was spent on the subject, but there was no way of knowing the nascent firm would add a six-attorney practice as soon as it did.

The firm now enjoys 6,000 square feet of office space in a professional suite located along Arlington Centre Boulevard with the ability to spread out into an additional, contiguous 4,000 square feet if need be.

Newhouse said he and his partners were mindful of the image they wanted to project at their new location. There is a differentiation between a small, three-lawyer firm and where the firm is today, he suggested. Those considerations included layout of offices and work areas, among others.

Christopher Potts, principal and first vice president of Grubb & Ellis/Adena Commercial, said smaller law offices or solo practitioners may have to sacrifice the prestige of a Capitol Square high-rise for the best use of a small space.

"The floor-plate sizes of those big buildings can't support a small office space," he said, pointing to location of the main entrance and elevator bank of the larger buildings.

Whether that's a deal breaker depends on the style of attorney, clients and the desire to project a certain image, he added.

When Potts first meets with a client seeking a new site, he said he usually first asks where the client lives.

If the practice allows, "they may want to be near the amenities closer to home, have access to retail and other things nearby," he said. "Somebody dealing in criminal law, bankruptcy or federal courts would want to be nearer the courthouses downtown."

Newhouse said it was of utmost importance for he and his partners to be in Upper Arlington nearer their homes and those of their staff. He said if someone needed to leave in the middle of the day to go to a school function with their child, it was much more manageable then having to drive from downtown and back.

"That really was a big bonus for us," he said. "It made the commute much shorter and made it a much more pleasurable lifestyle."

He admitted the partners considered moving downtown before settling on their present office site the first of the year.

"There was space down there which was suitable for us, but the rental rates were very expensive," Newhouse said.

In addition, the firm had little success in securing the tax incentives necessary to precipitate the more costly venture.

"We were disappointed with that," he added.

Potts said there is an abundance of office space on the market in both the suburbs and downtown core for a three-person office in the 500- to 1,000-square foot range.

"There's some business out there," but he suspected most potential clients of this variety are "hunkering down" in an attempt to wait out the current economic woes.

~ KEITH ARNOLD

Online rating systems can bring clients to your door ... or steer them away

When it comes to the Internet, no one is safe — and that includes attorneys.

That being said, it is good advice for lawyers to get friendly with the online resources available to clients who are hunting for legal representation. A short amount of time spent investigating online sites will help lawyers see the experience of searching for legal representation through the eyes of potential clients.

Many Columbus lawyers find themselves on the lawyer rating Web site, Avvo.com. This site allows users to rate lawyers as well as publish reviews of their experience. The site uses a 1 to 10 rating scale and also a five-star rating system.

Newly-published reviews and their key phrases flash like headlines, one after the other on the review page; headlines like, "Worst real estate lawyer in the Boston area," "Excellent," "Joe kept me out of prison," and "All bull with this attorney with prior misconduct and his clients."

Avvo.com has been the target of several lawsuits within the past two years and alterations have been made to the site's rating system over time. According to Avvo.com, its "mission is to help people navigate the complex and confusing legal industry. Choosing a lawyer is an incredibly important decision — yet most people have no idea how to go about doing it, and resources to guide them are scarce."

Avvo.com also states, "Many of the resources available today were developed for people who are already legal industry 'insiders' — but Avvo was created specifically to help people who know very little about the law and may have no experience choosing a lawyer."

Lawyers must claim their profile to be able to upload information. The site features free legal guides with information on hot topics, such as modifying mortgages, and various pieces of legal advice.

CONTINUED ON PAGE 12

Anne Leonard-Palmer, director of marketing for Columbuslawyerfinder.com, said rating lawyers by stars or numbers was not possible for Columbuslawyerfinder.com.

Leonard-Palmer said the CBA wanted to create an alternative to Avvo.com and provide a different experience.

"There were way too many things to try to consider to come up with a rating system," said Leonard-Palmer.

Leonard-Palmer said the reality with legal issues is that there frequently is one person pleased with the results while the next one is not, even though he or she has had the same experiences.

Leonard-Palmer said this and other factors have the potential to skew a rating system.

"One of the things Avvo uses (to determine rankings) is how many times someone has been published, so if they are a writing law professor they will have a higher rating. Someone like that may end up not actually helping clients, though. A consumer could look at someone who had a 10-point rating and not really know if that lawyer would be good for them," said Leonard-Palmer.

She said the thing that makes Columbuslawyerfinder.com different is the personality that can show through in attorney profiles.

"There is a certain amount of chemistry that needs to come into play when working with a lawyer," said Leonard-Palmer. She added that a potential client may feel more comfortable with an attorney if he knows, for example, that the attorney has a family, or likes to golf or went to The Ohio State University.

"We go over and above the legal background and it has to be a good fit. Our Web product has been built so that the lawyer can have a profile. They can explain why they are an attorney and what is important to them and why," said Leonard-Palmer.

Leonard-Palmer said Columbuslawyerfinder.com tries to put information in understandable terms for consumers. Columbus Bar Association members must be in good standing with the Ohio Supreme Court and have a certain amount of malpractice insurance before they will be listed on the site. They also must agree to specified commitments to clients.

"In the case of Avvo, any attorney can show up there. All of our attorneys are board approved. We try to filter it for the consumers and present a group of attorneys that are going to be able to help them. We try to create enough info so that the consumer can make an informed choice," said Leonard-Palmer.

"Our site provides a legal tool kit for the consumer. It is written so the consumer can print out a list of stuff that they might want to ask or bring to a lawyer," said Leonard-Palmer. The tool kit suggestions are written by attorneys.

Leonard-Palmer said Columbuslawyerfinder.com is an excellent option for attorneys to get their name out before the public.

"It gives attorneys who are solo practitioners or in a small practice an opportunity to get some good exposure if they don't have the benefit of a big law firm behind them. It gives them the benefit of an online presence," she said.

~ KATIE SPARKS

Prepared clients have more positive experiences

— and *your* life could be made easier

Tip for attorneys: Despite what you might think, you actually may be doing yourself a favor if you encourage new or potential clients to do a little homework before the attorney-client relationship actually begins in earnest.

Conducting research on Web sites can, if nothing else, prepare clients for what to expect when meeting with a lawyer.

Many local attorneys are aware that the Columbus Bar Association hosts ColumbusLawyerFinder.com, a Web site that has information for non-legal professionals who don't quite know where to turn when a need for legal assistance arises.

Under the "legal tool kit," individuals can learn about attorneys' fee structures, the responsibilities of both parties and where they can find other related information.

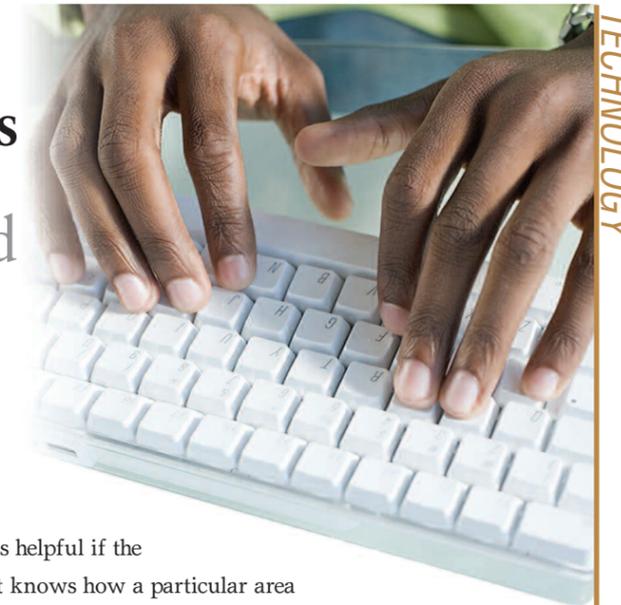
"We actually provide a whole group of information for people," said Anne Leonard-Palmer, director of marketing for ColumbusLawyerFinder.com. "It's geared to helping the client be more prepared and we believe if they're more prepared they'll have a more positive experience."

The tool kit section provides basic information on virtually every corner of law, from criminal issues to matters involving small business, probate, malpractice and education and government.

Indeed, Leonard-Palmer said that most often when a client has done some homework, it's beneficial to both the client and the lawyer.

"They're participating on their own behalf and in the end they could very well save themselves some legal fees if they do some research that saves the lawyer some time," she said. "The consumer feels a need to be informed. They can seek out information online ... but they need to edit their way through it all. It can be overwhelming."

The tool kit has information about what to expect in the relationship with an attorney, what questions should be asked, a glossary of legal terms, where to read more about the issue and what type of documents or paperwork needs to be provided.



"It's helpful if the client knows how a particular area (of law) works, what kind of documents they need to bring so they can be better prepared," said Leonard-Palmer.

Not everyone, however, is going to handle their new-found knowledge the same way. Some may feel they're suddenly an expert on law because they did some research, while others may want to leave everything up to the attorney.

"It completely depends on the person knowing the information. Everyone's going to be different," said Leonard-Palmer.

Still, no one is advocating that an individual should try his hand at playing attorney and in the end, a client needs to rely on the expertise of a qualified lawyer.

"Any legal matter is complicated. It's always worth an hour's fee to talk to an attorney. They're trained and informed," said Leonard-Palmer. "A consumer may try to fix a problem that an attorney could have fixed much more quickly and it could end up costing them more to do it themselves."

ColumbusLawyerFinder.com even provides some advice on the best ways to find and hire attorneys. But the Web site emphasizes that it does not provide legal advice, just general information.

Obviously, there's also the ability to find local attorneys through the Web site's database.

There is a plethora of legal Web sites out there where an individual can find law help, most of which can be found either by doing a general Internet search or through bar associations' and law publications' Web sites.

For those who are more ambitious about researching law issues, there is also a growing number of Web sites that are providing "virtual law libraries."

~ RICK ADAMCZAK

Easy steps for taking control of your career

Professional development isn't just for the young, it's a collective tool that needs to be honed by new and experienced lawyers alike.

Paula Nailon, director for professional development at the University of Arizona James E. Rogers College of Law in Tucson, is a contributor to Law Practice Today on the American Bar Association's Web site, www.aba.org.

Nailon said some of her tips may seem obvious, but people often forget everyday tactics to improve their professional environment.

Know yourself

"Instead of rushing through each experience without considering what it can teach you, take the time to reflect and articulate your reactions. Reflect, too, upon the skills and qualities of attorneys you admire. You will learn more about the areas of law and kinds of projects you enjoy; environments, interactions and relationships that are best for you; skills and areas for improvement; and personal interests and values that will give you peace of mind," said Nailon.

Plan ahead

Nailon said lawyers should have a clear, specific plan for the goals and accomplishments they wish to achieve in their professional careers. She advocates putting professional plans on paper and creating short- and long-term plans. Nailon recommends young lawyers reflect on their experiences and values and be fearless about ambitious goals.

"You will benefit by referring to your plan frequently, to gauge your progress and for revisions based on changing experiences and priorities," said Nailon.

Also, Nailon said a balanced life is important because personal and professional growth often affect each other. Personal goals should be written out in the same manner as professional ones.

Welcome the unexpected

Nailon suggests lawyers be open to changes in career opportunities.

"Take advantage of opportunities that arise, whether large or small, and relevant or seemingly removed from your career development. Before committing, determine each opportunity's compatibility with your overall goals and gauge whether you have time to fully commit to it," said Nailon.

She added that undivided attention in the workplace is always appreciated by co-workers and has major benefits.

"You will actually increase your productivity by concentrating fully on each conversation, activity or project. Even more importantly, clients, partners and others will respond positively to your undivided attention, which will enhance both your professional reputation and personal satisfaction," said Nailon.

Develop meaningful relationships

Nailon said gaining knowledge about those with whom you work, and those with whom you come into contact through your work, can be beneficial when problems arise. Knowing who to turn to, and who will have the answers, is key to building a vital pool of resources.

Find mentors

Nailon said mentors give "insight by sharing information about their own experiences and the realities of practice." They will listen and offer support and encouragement.

"Once you find a mentor, be sure to devote your own energies to ensuring the continued success of the relationship," said Nailon.

Get involved

Nailon said a great way for a lawyers to show investment and leadership is to get involved with community or professional activities.

Nailon adds that lawyers are in a unique position for service activities because of their expertise.

"Because of their legal training, attorneys are ... welcome additions to committees and boards of non-profit organizations. In the classic case of doing well by doing good, your firm will also benefit, as your reputation grows and your activities generate new opportunities." said Nailon.

~ KATIE SPARKS



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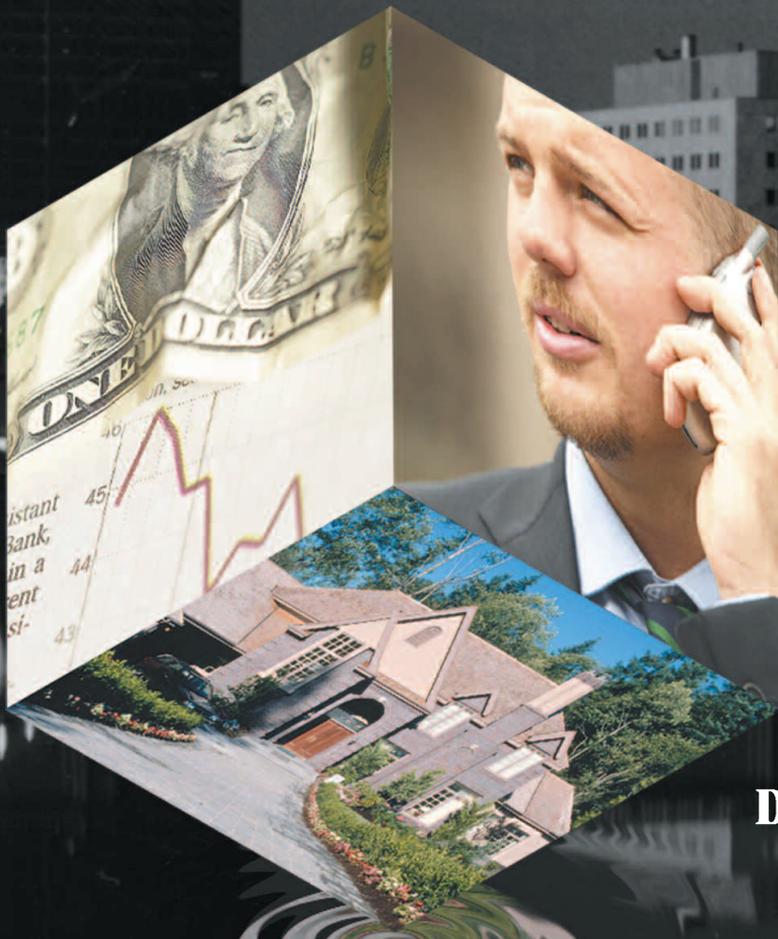
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