

the Briefs

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Inside this Issue:

President's Message

Billy Donovan's Lessons for the Legal Profession
Frank M. Bedell

*Remarks on Receiving the Legal Aid Society's Judge J.C.
"Jake" Stone Distinguished Service Award: May 27, 2010*
Neal J. Blaher

Solo and Small Firm Committee
Office Space – With or Without Flair
Shane M. Fischer

Don't Try To Wing It When Going Solo
Susan Cartier Liebel



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Table of Contents:

President's Message <i>Billy Donovan's Lessons for the Legal Profession</i> Frank M. Bedell	3
OCBA August Luncheon John R. Hamilton <i>Legal Aid Society – 50 Years of Service</i>	5
<i>Remarks on Receiving the Legal Aid Society's Judge J.C. "Jake" Stone Distinguished Service Award: May 27, 2010</i> Neal J. Blaher	7
2010-2011 Young Lawyers Section Officers & Board	9
Solo and Small Firm Committee <i>Office Space – With or Without Flair</i> Shane M. Fischer	10
Legal Aid Society News What We Do... <i>2010 Breakfast of Champions</i> Donna A. Graf	13
Legal Aid Society News <i>Annual Legal Aid Pro Bono Awards</i> Catherine A. Tucker	14
Installation Banquet & LAS Awards Photos	15-17
YLS on the Move <i>Ice Cream Beats the Heat</i> Jacquelynn J. Regan	19
Paralegal Post <i>Foreclosure Issues</i> Amy M. Guy	21
New Members	22
<i>Don't Try To Wing It When Going Solo</i> Susan Cartier Liebel	24
Presentation Skills for Lawyers <i>Start with the End in Mind</i> Elliott Wilcox	25
Rainmaking <i>Contact Management Software and Client Development</i> Mark Powers & Shawn McNalis	26
Announcements	29
Classifieds	31
Calendar	32

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President's Message ● Billy Donovan's Lessons for the Legal Profession

August 2010

I wish that all OCBA members could have been present at our June luncheon to hear Coach Billy Donovan's speech and Q&A session. I say this not because I am a UF law graduate and an avid fan of college basketball, but because I thought he delivered an inspiring message which has special relevance for our profession and the way we can live our lives. Plus, Coach Donovan is a nice guy who has the ability to appreciate fully the success that his teams have achieved, the intelligence to recognize the subtle factors which contributed to his teams' success, and the humility to understand that he has been blessed in many ways.

Coach Donovan was introduced by former Florida Bar President, John Frost, who has also enjoyed great success. It was interesting to note how John talked about Billy Donovan more in personal than professional terms, saying that Donovan embodies the qualities he would want in a son. In this regard, John mentioned Coach Donovan's devotion to his family and that he had recently won the John Wooden "Legends of Coaching Award," which recognizes not only wins and championships but also personal integrity. It is quite an honor for Billy Donovan to be called a "legend" at the age of 44, but he is deserving of the award.

Before the luncheon, my wife, Ashley, and I had the opportunity to visit with Coach Donovan, and he asked a number of questions about the OCBA – how many members we have; how many folks would be attending the luncheon; what the membership criteria are; the types of programs we sponsor; and other questions which were designed to elicit information he could use in his speech. Donovan also asked whether I had any specific topic in mind. I said, "Some type of motivational talk or perhaps something on leadership," to which he responded with something like, "I really don't talk about leadership *per se*, but I will talk about teamwork – is that all right with you? Don't lawyers work in small teams around your office?"

As I listened to Billy Donovan's speech and his answers to questions from the floor, I was reminded of the importance of certain values, such as respect for others, unselfishness, and patience. And as I watched the attention that our members gave to his remarks, I was struck by the applicability that these values can have on our profession, particularly with regard to professionalism and the effective administration of justice.

For example, Coach Donovan talked about creating an atmosphere in which good "followers" feel respected and appreciated and how most of us need to feel that we are part of something that is bigger than ourselves so that we can perform our roles effectively and with the understanding that our actions have meaning. Our adversarial system is premised upon its participants each having respect for one another. Judges should run their courtrooms so that litigants, witnesses and attorneys feel that they are being treated fairly and that their actions matter. Correspondingly, attorneys should be mindful of the inher-

ent difficulties our judges face in almost every hearing or trial when at least somebody is going to leave unhappy with the result. Finally, as lawyers and judges, we are all a part of the justice system, which is bigger than ourselves and involves something larger and more important than a single case or client.

Coach Donovan also talked about the love and appreciation that the members of his back-to-back NCAA Championship teams had for each other, which was so strong that one player even turned down a request for an individual profile in *Sports Illustrated*, saying that he didn't want any individual attention to distract from the team effort. This took a great amount of unselfishness, especially for a 21-year-old college basketball star! But I think that Billy Donovan sets such an example of personal decency and integrity that his players understand the intrinsic value of unselfishness. In this regard, I also think that our own "Legends of the OCBA" have established a culture of unselfishness that has served to establish our Legal Aid Society as one of the nation's leaders among voluntary bars in the delivery of legal services to the indigent.

Finally, Coach Donovan talked about having the patience to live in this moment and to understand and fully appreciate the importance of "now." The legal profession can at times be so stressful and competitive that it's easy to become hurried, unappreciative, and forgetful. We rush from one thing to another without remembering that practicing law is a privilege, not a right; without remembering to thank a staff member for staying late to complete a project; or without remembering that it's unrealistic to expect to win *every* hearing or trial. I am happy to say that Billy Donovan did not just talk about the importance of being patient and grateful at our luncheon that day; rather, he practiced his lesson and set an example for us all as he graciously posed for pictures and signed pretty much everything that was presented to him. I hope his remarks were half as inspiring to you as they were for me, and I would like to express my appreciation for being able to serve as president of the OCBA.

Frank M. Bedell is a shareholder with Winderweedle, Haines, Ward & Woodman, P.A. He has been a member of the OCBA since 1982.



Frank M. Bedell



Save the dates!

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Legal Aid Society – 50 Years of Service

John R. Hamilton is a partner with Foley & Lardner LLP and a member of the firm's Appellate and Business Litigation & Dispute Resolution Practices.

Mr. Hamilton focuses on appellate practice and civil litigation. He gained certification in appellate practice in 1996 from The Florida Bar. He was recertified in 2001 and again in 2006. He has handled hundreds of appeals in a wide variety of substantive areas. He has experience in all of the appellate courts in Florida, many of the federal appellate courts, and the appellate courts of several other states. He has also published and lectured extensively on subjects pertaining to appellate practice.

A native Kentuckian, Mr. Hamilton earned his J.D. degree, with distinction, in 1988 from the University of Kentucky College of Law and his undergraduate degree, with high distinction, from the University of Kentucky in 1985.

Mr. Hamilton is a member of The Florida Bar and the Kentucky Bar. He is also admitted to practice in: the United States Supreme Court; the United States Courts of Appeals for the Fifth, Sixth, Eighth, Tenth, Eleventh, District of Columbia, and Federal Circuits; the United States Court of Appeals for Veterans Claims; the United States Court of Appeals for the Armed Forces; the United States District Courts for the Middle and Southern Districts of Florida; the United States Court of Federal Claims; and the United States Court of International Trade.

Mr. Hamilton has been recognized as one of Florida's Legal Elite by *Florida Trend*™ magazine, he has been selected for inclusion in the *Florida Super Lawyers*® lists, and he has been listed as one of the "Best of the Bar" by the *Orlando Business Journal*.

Mr. Hamilton has frequently been recognized for his strong commitment to *pro bono* work. For example, in 1994, he received the New Attorney Award of Excellence from the Legal Aid

Society of the Orange County Bar Association, and he received the annual Award of Excellence from that same organization in 2002. In 2005, he received the Edward C. Smith Outstanding Pro Bono Service Award from the Seminole County Bar Association Legal Aid Society, Inc., the highest honor bestowed by that organization. Similarly, in 2007, he received the Judge J.C. "Jake" Stone Distinguished Service Award from the Legal Aid Society of the Orange County Bar Association, that organization's highest honor. That same year, he received the annual Pro Bono Award from the Appellate Practice Section of The Florida Bar. In 2008, he was the recipient of The Florida Bar President's Pro Bono Service Award for the Ninth Judicial Circuit of Florida. Additionally, Mr. Hamilton served on the Board of Trustees of the Legal Aid Society of the Orange County Bar Association from 1995 through 2005 and again from 2007 through 2010, serving as that body's president from June 2001 through May 2002. He also serves on his firm's National Pro Bono Committee, and he is the local *pro bono* coordinator for his office. He is also a member of the Pro Bono Committee of the Appellate Practice Section of The Florida Bar.

Mr. Hamilton is also an active member of the Bar. He serves as secretary of the Florida Appellate Court Rules Committee and is currently Chair of the Ninth Judicial Circuit Grievance Committee "E." He was also a founding member of the Appellate Practice Committee of the Orange County Bar Association.

The Ballroom at Church Street

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Main Entrance: Garland Avenue between
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To ensure a proper luncheon count, RSVPs and
CANCELLATIONS are requested no later than Friday, August
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Remarks on Receiving the Legal Aid Society's Judge J.C. "Jake" Stone Distinguished Service Award: May 27, 2010

Neal J. Blaher

I cannot begin to say how truly humbled I am to have been chosen to receive this honor. Frankly, I am finding it difficult to be honored for doing what I feel duty-bound in this life to do – that is, to help others.

Which brings me to a warning I must issue to everyone here – I am going to use the "L" word. So if there are any underage children present, I strongly encourage parents to cover their ears.

I am referring, of course, to the word "liberal." I imagine a large portion of those gathered here this evening are, like myself, Baby Boomers – that legendary generation of youngsters born from 1946 to 1964 who, in our younger days, were the very definition of "liberals."

We now call our parents the "Greatest Generation," but we sure did not call them that back then. We cared about those less fortunate than ourselves, but did not think our parents – hardened by what they had seen and experienced in the horrible (and hopefully last!) World War – could have the same feeling of compassion for others.

Well, the Baby Boomers have grown up (and old!), and we have figured out how wrong we were about our parents. But in doing so, have we forgotten so much of the good that this generation accomplished that its youth left behind? When did we forget what the "L" word really meant?

It did not mean we want big government, big spending and big taxes. It meant understanding and acknowledging that those less fortunate than us do not always get there because of their own failings, or for lack of trying. Some get there because of – to quote a popular series of children's

books, and a very clever movie – "a series of unfortunate events."

Does this explain why our Guardian Ad Litem Program has had to send out mass emails begging Orange County lawyers to take cases?

As a young lawyer here in the 1980s, I was told how the Orange County Bar's Legal Aid Society was the oldest program of its kind. In fact, it traced its roots back to the 1960s – the very time that the Baby Boomers were in their youth and expressing their idealism. It was the model cited by the American Bar Association as the example for other bar associations nationwide to follow.



Neal J. Blaher and family

I could have gotten up here tonight and just talked about how rewarding it has been to salvage the lives of children of all ages who were pushed aside by their parents or other family members. Of course, that is true – it HAS been rewarding to make a difference in the lives of these kids, and to show them that it's not their fault, and they can still make a good life for themselves.

But this GAL "job" is not about me. It is about a duty we all have to each other. It is a duty not to say, each man for himself, but rather each one for the other. A duty not to look at those less fortunate and assume they got that way through their own failings or lack of effort, but instead consider the possibility that every time they picked themselves up and marched forward, they kept getting beaten back,

through no fault of their own.

When I go out and perform my duties as a Guardian ad Litem, I am constantly

reminded of this lesson. Most of these children are where they are through no fault of their own. They *are* our responsibility. Regardless of what religion you follow, or if you follow no religion at all, we all owe a duty to help those less fortunate than ourselves. And what better place to start than with these children, so many of whom get lost in the system when they, for whatever reason, get separated from family.

You know we hear so much today about how much is wrong with the world. Maybe we should follow the advice my father used to tell me and my brother: You have to start with the basics before you can go farther and accomplish anything. So perhaps we can start making the world look a little better if we do just that – start with the basics: Reach out to help someone who has been less fortunate.

In that spirit I would challenge each one of you who has not, or who for whatever reason stopped, to let this award – and my opportunity to speak with you tonight – encourage you to volunteer your time as a GAL starting tomorrow morning. By stepping forward to help one of these children, perhaps we can all remember what the "L" word really used to mean!

Thank you again for this very humbling honor. Good night.

Neal J. Blaher, Law Office of Neal J. Blaher; the 2009 recipient of the Judge J.C. "Jake" Stone Distinguished Service Award, has been a member of the OCBA since 1979.



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● Shane M. Fischer



Since opening my law firm over two years ago, attorneys frequently ask me how I like running my own show. I wrote this for anyone who has considered opening his or her own firm but is unsure of what to expect.

If you've ever thought: "I'm tired of making someone else rich," "I've always wanted to have my own business," or "I don't want to bounce around from firm to firm the rest of my career," then opening your own practice might be for you.

In addition to unlimited income potential, you have complete freedom to decide everything from working hours to dress code to case selection. Whether it is family law, estate planning, or corporate transactions, you're in charge of shaping the direction and growth of your firm. It's exciting watching your practice grow, especially when you love your work.

The most rewarding aspect though, is the professional satisfaction that comes from knowing you've built your business around referrals from satisfied former clients. There is no greater feeling than knowing a former client thinks so highly of you that he or she recommends you to someone else.

While the benefits are great, there are serious risks and lifestyle changes that you need to consider. First, you must have a burning desire to own a business, because it will consume you! When you're not working, you're thinking about work, networking, reading about recent legal trends, or making sure your cell phone is always fully charged, even at 2:00 a.m., *just in case* someone calls.

Second, you must consider the emotional stress of opening your own firm. Today the phone is ringing, money is pouring in, and you're contemplating early retirement. Tomorrow, a client's check bounces, your printer breaks, and you notice your business card in the trash after a local networking event, filling you with self-doubt. This emotional roller-coaster is more than some people can handle.

And third, you must ask yourself whether you and your family are willing to give up a guaranteed paycheck, health insurance, and vacation time. Trust me, you'll miss that guaranteed paycheck, no matter how underpaid you might feel!

If you've read this far and are still think-

ing about opening your own firm, I recommend planning a year ahead of time.

Save a year's salary for bills, start up costs, and personal expenses while establishing your practice. Even if you can't save an entire year's salary, save something, because credit card balances add up fast and the rates are high! Also, look to close friends or family for start-up capital.

Banks will compete for your business, so shop around. They all want to be seen as friendly to small businesses, so don't be afraid to negotiate for what you want. Just consider that the bar won't allow a trust account to be held at a credit union. Don't ask me why.

Next, gather forms, pleadings, letters, and attend lots of seminars. This keeps you informed of recent legal trends and presents great networking opportunities.

Consider treating solo practitioners to lunch for information about cheap office space; a good banker, accountant, and insurance agent; the best phone service plans; and reliable office equipment. They may even give or sell you their old stuff.

Six months to three months before you open, take advantage of your firm's group health insurance. Whether it's a new pair of eyeglasses or dental work you've been postponing, do it before leaving your job, because you won't find any individual coverage that provides the benefits available with your group coverage.

Ninety days to one month before opening your firm, set up your company (corporation v. LLC, etc.), get your business licenses, and obtain your tax ID number from the IRS (it can be done online in a matter of minutes). Useful tip: since you may not yet have office space, I recommend renting a UPS-type mail center mailbox as your "principal place of business." This is advantageous because the Department of State won't accept a P.O. Box as a principal place of business and because you don't want advertisers overwhelming your house with unsolicited offers regarding everything from credit card processing machines to postage meters.

One month before you open your firm, make final decisions regarding office space, phone service, bank accounts, and business cards. I reviewed several business card layouts and can now confidently

say that all you really need is a plain card with your contact information. The design, color, and feel

of your card are minor considerations.

I do not recommend a virtual office, where one works from home and rents conference room space for client meetings, because you'll go crazy sitting at home all day, your house has too many distractions, and your clients won't have much confidence in your ability to handle their case if you have a virtual office. Clients want to see your name on the diplomas that cover your office walls.

Ideally, your office should include a receptionist, access to a fax machine, and use of a conference room. It's worth the money to pay for these features, as they will simplify your life!

Purchase used furniture. You can get great deals from other solos, friends, or resale websites. It's amazing the stuff people are willing to give away. Your current firm might even donate some old stuff. Alternatively, your landlord may even let you use his or her furniture. I'm using my landlord's desk, credenza, and fax machine.

Buy a new computer. Technology changes rapidly and you don't want to be stuck with old, obsolete hardware or software. I recommend a laptop because of its portability and small size. This way, you can work while drinking coffee at Starbucks or relaxing by Lake Eola enjoying the weather. After all, it's your firm. Nobody is forcing you to work in a stuffy, cramped office with a bad view!

There is no ideal time of the year to open your own firm but, if your dates are flexible, I recommend opening in late summer. Summer is traditionally a slow time for attorneys, so the downtime will allow you to set up your office before everyone returns from summer vacation.

Finally, don't worry about finding potential advertisers. They will find you. Guaranteed.

Congratulations! You are now open for business. What's next?

Your first year will be spent practicing "threshold law." In other words, if it crosses the threshold with money, you

take the case. Don't turn away cases that are outside of your comfort zone because you don't know the answer. Have faith in yourself and go and find the answer. There's nothing you can't figure out. You will boost your confidence by learning a new area of law and by getting a favorable result for your client - who hopefully will refer you more business!

Since legal research databases are pricey, familiarize yourself with FAMU's law library. It's free and they've got resources for looking up every possible legal issue. I also highly recommend The Florida Bar's SCOPE (Seek Counsel of Professional Experience) program. Experienced attorneys volunteer their time to briefly consult with other attorneys unfamiliar with a particular area of law or procedure. I've consulted with SCOPE attorneys on everything from debt collection law to employment discrimination.

You will quickly find there are some things you can (and should) do yourself, while it's worth time and money to pay someone else for other tasks. Draft your own pleadings, schedule your own hearings, and mail your own letters. Computer technology has evolved dramatically,

allowing document mergers and record keeping with incredible speed and efficiency. You can also take out your own trash, clean your own bathroom, and do your own filing. It will give you a greater appreciation for your hard work, not to mention keep you humble.

While you can do your own filing and cleaning, I highly recommend outsourcing payroll, even if you're the only employee. Payroll issues are very complicated and come with stiff penalties for minor errors. I unfortunately learned this experience the hard way: I was late mailing a form to the Department of Revenue and wound up having to pay a \$200 penalty for unpaid taxes I didn't even owe. That experience convinced me to spend \$60 per month for a payroll service because they handle all tax filing and other paperwork, saving me time to build my business.

Most importantly, *believe in yourself*, even if nobody else does. Nobody is born knowing how to run a law firm or start a business, so don't beat yourself up too much when you make mistakes. Even if you eventually decide you don't like running your own business, the experience and perspective you will gain as a business

owner will make you a very attractive hiring prospect.

Please join the **Solo and Small Firm Committee** of the OCBA. It's a great way to network with other solo practitioners and listen to exciting speakers while earning CLE credit. We meet four times per year, with our next meeting set for October 28 at 11:30 a.m. at the Bar Center. I look forward to seeing you there!



If you have any other questions about life as a solo practitioner call me at 407-650-5509 or email me at shane@fischer-law.com. I look forward to hearing from you.

Shane M. Fischer, Attorney at Law, has been a member of the OCBA since 2001.

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Bryan W. Crews, partner with Crews & Pesquera, P.A., recently organized the 11th Annual Auction and Fund Raiser as President of the Board of Directors for the Down Syndrome Association of Central Florida (DSACF). Mr. Crews reports that this year the auction raised \$40,000 for programs and services.

Ray Stines, Executive Director of Entertainment Production and Administration, Universal Studios, and Board of Directors DSACF; Mary Stines, DSACF Volunteer of the Year; Bryan W. Crews.

Personal and Professional Effectiveness

Tuesday, August 17, 2010

8:30 a.m.-10:30 a.m. OR 1:30 p.m.-3:30 p.m.

OCBA Center, 880 N. Orange Ave., Orlando, FL 32801

A collaborative seminar presented by LAS, OCBA and Grant Professional Network of Central Florida

●●●●●SPEAKER: MARK SHEARON

You are invited to explore and expand your personal and professional effectiveness with awareness and choice!

Free PSI Strategies for Life Success event. Seating is limited.

Registration is required by August 6, 2010

Please contact Donna Graf at
dgraf@legalaiddocba.org

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Donna A. Graf

The Legal Aid Society of the Orange County Bar Association was established by Orange County Bar members in 1961 to provide civil legal assistance to low-income families and individuals. In the 1970s, it expanded to provide attorneys to help abused and neglected children in dependency cases.

We provide legal services to low-income clients who need assistance in the areas of family, juvenile, consumer, housing, public benefits, health, and immigration law. Some of the community problems we address include:

- providing legal protection to abused and neglected children and domestic violence survivors;
- protecting clients from unlawful evictions and unsafe housing;
- providing clients relief from unscrupulous businesses that charge unreasonable and unlawful amounts for basic services and goods in order to take advantage of the poor;
- providing poor families relief from unlawful debt collection practices;
- ensuring access to health care; and
- helping families find legal solutions to their family disputes over custodial arrangements and support, resulting in greater stability for families.

We reach client groups with special needs through an extensive outreach and intake system. We attempt to solve the dilemmas of those seeking our assistance.

The Legal Aid Society offers the following legal services to the poor in our community through the combined effort of staff, *pro bono* attorneys, and volunteers: Advice and counsel, including community education; information and referral; negotiation and simple to complex litigation in state and federal court and administrative hearings; and legislative and administrative advocacy. In addition to handling their own cases, staff attorneys assist volunteer attorneys through training, manuals, and mentoring.

In 2009, 1,273 attorneys made financial donations to the Legal Aid Society. We also have 1,194 volunteer attorneys who participate in our *pro bono* program by taking cases or volunteering in a *pro bono* project, for a total of more than 15,461 hours donated

in 2009. Together staff and volunteers served 18,716 new clients in 2009, and at year end, Legal Aid had 1,320 new open *pro bono* cases.

Legal Aid funding from the State of Florida, Orange County, and the City of Orlando has been cut back over the past two years due to the current recession. We need more financial help from other sources to make up for these losses.

We appreciate greatly the Orange County Bar Association members who currently help by accepting two *pro bono* referral cases or making a \$350 donation. Please be assured that every member of the Board of Trustees and every employee of the Legal Aid Society donates time and money to Legal Aid. They lead by example.

If you could help or donate something additional this year, we would be very grateful, and it would make a big difference to the clients we serve.

One way you can help is by volunteering to serve as a table captain for our third **Breakfast of Champions** event, which is set to take place on **November 10, 2010**. The *Breakfast of Champions* is an opportunity to educate the community by showcasing the roles that the Legal Aid Society plays and the essential services it provides here. The breakfast starts at 8:00 a.m. and ends at 9:00 a.m. sharp, with registration, networking, and mingling beginning at 7:30 a.m. We simply request that you, the table captain, commit to bringing ten people to your table and provide us with their names and food selection by October 22, 2010, for logistics purposes. Our goal is to fill the room at Church Street Station and effectively show the community who we are and what we do. The chairperson of the 2010 *Breakfast of Champions* is Legal Aid Board of Trustees member and Holland & Knight attorney **Glenn A. Adams**.

Our first *Breakfast of Champions* raised more than \$100,000 with 272 attendees. Our second event in 2009 had over 612 attendees, who made donations or secured pledges of more than \$50,000. Hopefully, we can match or improve on last year's total.

Please find the time to help us with this important fundraiser. To register to become a table captain, sponsor, or for more information about the *Breakfast of Champions*, contact the Manager of Development, Donna Graf, at 407-841-8310 x 3150 or dgraf@legalaidocba.org.

Donna A. Graf is Manager of Development for the Legal Aid Society. She has been an OCBA member since 2008.



At the May 27, 2010, OCBA installation dinner, *pro bono* awards were presented to the individuals and firm that provided outstanding services during 2009. Outgoing Legal Aid Board of Trustees President, **Heather Pinder Rodriguez**, presented the awards with the assistance of incoming president, **Jamie Billotte Moses**.

The Volunteer Advocate for Children

Award is presented annually to a lay volunteer in the Guardian ad Litem (GAL) Program to recognize that volunteer's commitment to serving abused and neglected children in our community. **Lorraine Caponi** and **Charlotte Blackburn** were each recognized for their work. This year there were also two recipients of the **New Lawyer Award**, which is presented to Orange County Bar members who are participating significantly in *pro bono* work and who have been practicing five years or less in Florida. The New Lawyer Award was presented to **Eric Eisnau-gle**, State House Representative, and to **Kristopher Kest** of Lowndes, Drosdick, Doster, Kantor & Reed, P.A.

Individual Awards of Merit were awarded in two groups, acknowledging the exceptional contributions and unique work associated with each group. The **Guardian ad Litem Award of Excellence** was presented to attorneys primarily handling GAL cases: **Brian DeGailler** of

Broussard, Cul-len & DeGailler, P.A., **R. David de Armas** of Cramer, Price & de Armas, P.A., **Kenneth J. McKenna** of Dellecker, Wilson, King, McKenna & Ruffier, LLP, and **Robert E. Drean**.

A Pro Bono Champion Award

was presented to attorneys handling casework various areas of law. **Derrick E. Cox** of Hurley, Rogner, Miller, Cox, Waranch & Westcott, P.A., **Kevin J. Man-gum**, **Michael L. Moore**, and **Gerald S. Rutberg** received the Pro Bono Champion Awards this year.

The Govern-ment Attorney Award of Merit

recognizes the efforts of government attorneys who generally do not do LAS casework, but who have demonstrated significant commitment to *pro bono* work. **Pamela Smith**, Assistant State Attorney, was the recipient of the 2009 award. Additionally, a new **Law**

Student Award of Merit

was also presented this year to **Meredith Hinshelwood**, formerly of Barry University, and **Laura Sanchez** of FAMU.

Gene S. Boger, now retired, received the **Homeless Ad-vocacy Project Award** for his decade of work with the project. **Salaam G. Dreher** was recognized for his work with ninth-grade teen parents as part of the **Teen Parent Education Project Award**.

The **Law Firm Award of Merit** is presented to the firm whose firm members have



GAL Award of Excellence, Brian D. DeGailler; Law Firm Award of Merit and Nicholas A. Shannin, firm attorney

provided significant *pro bono* work in case handling during the past year and throughout the firm's history. This year, the Law Firm Award of Merit went to **Page, Eichenblatt, Bernbaum & Bennett, P.A.** Firm members are **Greg Page**, **Steve Eichenblatt**, **Brian Bernbaum**, **Brian Bennett**, and **Nick Shannin**.

The Judge J. C. "Jake"

Stone Distinguished Service Award is the highest *pro bono* recognition given by the Legal Aid Society. Named for the late county judge, winners must have made

outstanding contribu-tions over their careers, primarily through case-work. They also must have received an Individual Award of Merit. **Neal J. Blaher** of the Law Of-

fice of Neal Blaher received the award this year. Neal was admitted to The Florida Bar in 1987 and joined the *pro bono* panel the following year. He has handled Guardian ad Litem cases since 1987 and has helped more than eighty-nine chil-dren. Neal has contributed more than 1,400 hours on completed cases.

Catherine A.

Tucker is the Deputy Director/Pro Bono Coordinator for the Legal Aid Society of the OCBA. She has been a member of the OCBA since 1998.



Lorraine Caponi, LAS Volunteer Advocate for Children Award (not shown: Charlotte Blackburn)



2010 Legal Aid Society Immediate Past President Heather Pinder Rodriguez

2010-2011 Orange County Bar Association Installation and Awards Banquet

May 27, 2010  The Ballroom at Church Street

Judge Emerson R. Thompson, Jr., Invocation

Former Florida Supreme Court Chief Justice Charles T. Wells, Swearing In

Judge Lawrence R. Kirkwood, Keynote Speaker

2010-11 OCBA
President Frank
Bedell with mother
Bettie Bedell and
wife Ashley Bedell

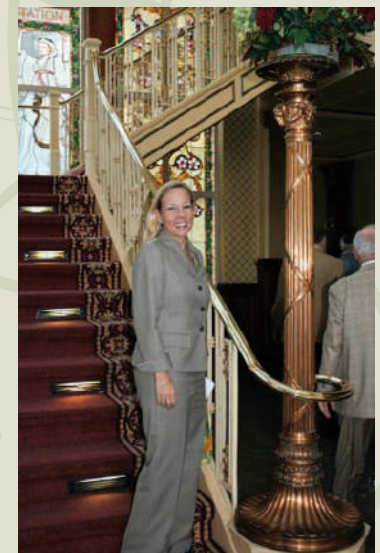


Judge Thompson, Judge Kirkwood, Frank Bedell,
Former Florida Chief Justice Charlie Wells

Woody Rodriguez with John Yuzzolin
and Melanie Carrington, M&I Bank



Kim Webb,
OCBA
Outstanding
Service
Award



Jamie Billotte Moses, 2010-11
President, Legal Aid Society
Board of Trustees



Outgoing YLS President Ryan
Davis, OCBA Outstanding
Service Award



Young Lawyers Section
swearing in

Legal Aid Society
swearing in



Meena Hirani, OCBA President's Award,
and Ajit Hirani

Awards Banquet.... continued

Brian DeGallier,
Robert Drean,
David de
Armas, Kenneth
McKenna, LAS
Guardian ad
Litem Award of
Excellence



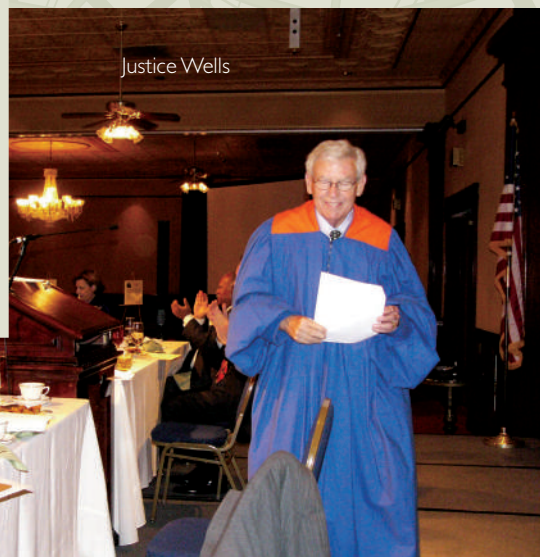
Gene Boger; LAS Homeless Advocacy Project Award;
Salaam Dreher; LAS Teen Parent Education Project Award



Meredith Hinshelwood, Laura Sanchez, LAS
Law Student of Merit Award



Judge Lawrence R. Kirkwood,
David N.Torre



Justice Wells



N. Diane Holmes, Judge Thompson



Bettie Bedell,
Woody Rodriguez



Debbie Kirkwood,
Bruce Blackwell



Jamie B. Moses,
Mary Anne
DePetrillo,
Larri Thatcher



2010-11 OCBA Foundation Officers and Board



Norberto Katz, LAS Outstanding Board Member & Committee Chair Award



2010-11 OCBA Officers and Executive Council



Gerald Rutberg, Derreck Cox, Michael Moore, Kevin Mangum, LAS Pro Bono Champion Award



Eric Eisnagle, Kristopher Kest, LAS New Attorney Award

Woody Rodriguez, Frank Bedell, Tom Zehnder, Kristyne Kennedy, Paul Scheck



Heather Pinder Rodriguez receives recognition from Tad Yates for her service as 2009-10 President of the Legal Aid Society



OCBA Paralegal Section Officers and Board (not shown: Lori Spangler, Immediate Past President)

Neal J. Blaher, Judge J.C. "Jake" Stone Distinguished Service Award

Judge Thompson, Tom Zehnder, Judge Kirkwood

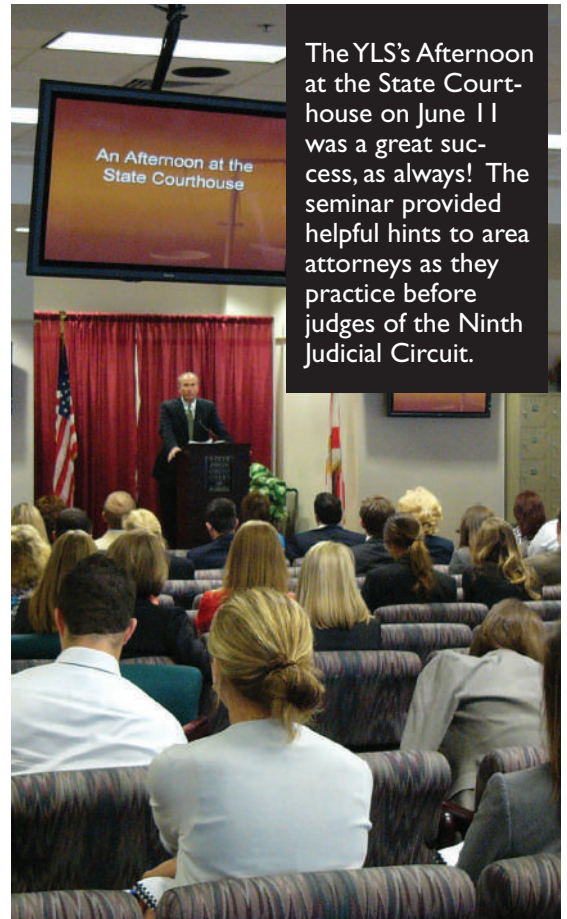


James Bond Dinner & Casino Night



Hosted by the
Young Lawyers
Division of The
Florida Bar Board
of Governors at
the Florida Bar
Annual Convention,
June 24, 2010, Boca
Raton

David Muir, photographer for DAVIDiPhoto, Inc.



The YLS's Afternoon
at the State Court-
house on June 11
was a great suc-
cess, as always! The
seminar provided
helpful hints to area
attorneys as they
practice before
judges of the Ninth
Judicial Circuit.



- Auto Accidents
- Truck / Tractor Trailer Accidents
- Wrongful Death
- Brain Injured (TBI): Children
- Brain Injured (TBI): Adults
- Cerebral Palsy
- Erb's Palsy
- Medical Malpractice
- Birth Injury
- Delayed Cancer Diagnosis
- Emergency Room Negligence

- Missed Heart Attack Cases
- Nursing Home Abuse
- Mesothelioma
- Asbestos
- Slip and Fall
- Product Liability
- Rollover Accidents
- Amusement Parks & Roller Coaster Accidents
- Dangerous Drugs



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YLS on the move

Ice Cream Beats the Heat!

Jacquelynne J. Regan



The arrival of August means the longest days of the year have passed, but the hot days are just getting hotter – especially in Orange County! This, of course, provides the perfect excuse for you to grab a cold one with your Young Lawyer friends, or maybe an ice cream cone with **Judge John M. Kest** (more on both below). No matter how you choose to escape the heat, we hope you'll take advantage of the exciting events YLS has in store for the end of summer!

Now, moving right to the YLS bustling calendar, the June 11 **YLS Pub Crawl** was a fantastic event. With all proceeds benefiting the Foundation for Foster Children, these young lawyers pub-crawled for a cause! A throng of young lawyers gathered for drinks and appetizers at Ember, then crawled to Bullitt and ended the evening at The Other Bar. Special thanks to **Doug Martin**, his committee, and of course our sponsors, **Judge Mike Murphy; Honeywell Mediation; Kirkconnell, Lindsey, Snure, Yates & Ponall, P.A.; and Dellecker, Wilson, King, McKenna & Ruffier, LLP**, for hooking us up with great drink specials and prizes. Keep your eyes and ears open for details about the next social event, or contact Doug Martin at DMartin@dwklaw.com for more information.

Young Lawyers were responsible for the unforgettable **James Bond Dinner and Casino Night at the Florida Bar Annual Convention** on June 24 in Boca Raton. Hosted by the Young Lawyers Division of The Florida Bar Board of Governors and organized by our very own **Melanie Griffin**, this event was the social highlight of the Annual Convention! Those in attendance enjoyed an evening of games, dancing, cocktails and dinner, all in honor of the Florida Bar Young Lawyers Division's Past Presidents.

The **Brown Bag Lunch with Judge John Marshall Kest** on July 16 was once again informational and inspiring for the young lawyers who lunched with the Judge. This Brown Bag Lunch was the first part of a two-part installment on the planning and preparation for taking discovery depositions. In addition to covering this mate-

rial and graciously answering the questions of young lawyers on the practice of law, Judge Kest treated everyone to ice cream cones in celebration of the 106th Anniversary of the Ice Cream Cone. If you are interested in joining Judge Kest for the second installation of this topic on Thursday, August 12, 2010, please email Judge Kest's Judicial Assistant, Diane, at ctjadi1@ocnjcc.org.

On May 25, June 24 and July 22, Young Lawyers participated in the **IDignity** volunteer event, a program that assists disadvantaged persons to obtain personal identification documents. Together with other IDignity volunteers, Young Lawyers of the Hispanic Bar Association and the Orange County Bar Association volunteered their time and efforts to help those in need obtain the required documents necessary for acquiring much-needed legal identification, such as social security cards and birth certificates. And this need is ongoing! To find out how you can help at future IDignity events, please contact **Taylor Kessel** at Taylor.Kessel@cnl.com.

August is also National Back to School Month, and it's the perfect time to help students get ready for school with the **Backpack Project!** You can help by providing needed school supplies to Rock Lake Elementary School, including crayons, pens, pencils, markers, notebook paper, sets of beginning word flashcards, construction paper, binders, scissors, protractors, tissues, notebook pencil pouches, backpacks, and more. Please contact **Melanie Griffin** at mgriffin@deanmead.com or **Barbara Leach** at bleach@whww.com to find out how you can make a monetary donation or provide school supplies for this cause. Thanks in part to the Backpack Project and the continuous support of the YLS in past years, Rock Lake has risen from an "F" school to an "A" school. Let's help the students of Rock Lake continue to succeed this school year!

The **18th Annual YLS Charity Golf Tournament** is just around the corner! Mark your calendars and invite your

clients or golfing buddies to the tournament on **October 1, 2010, at Reunion Golf Course**. One of the biggest events of the year, the golf tournament is not only a great opportunity to play a round of golf with your clients and colleagues, it's

also a wonderful way to help fund all of the charitable projects that YLS organizes throughout the year, including the YLS Scholarship and the Backpack Project. To join the committee planning the golf tournament, or for more information, please contact **Brett Renton** at brenton@shutts.com or **Jerry Lee Hanbery** at jhanbery@ufl.edu.

Please also plan to join YLS for the **Lawyers Spelling Bee** fundraiser, scheduled for Thursday, October 7, 2010, at the Sonesta Hotel in downtown Orlando. The event promises to be an entertaining opportunity to test your own spelling skills or marvel at those of your peers! The proceeds of the Lawyers Spelling Bee will benefit the literacy initiatives of the Adult Literacy League. If you would like to make a difference in a person's life by giving them the gift of literacy, then please contact **Daryl Gottlieb** at dgottlieb@fisherlawfirm.com. Or, if you are interested in tutoring an adult learner with the Adult Literacy league by volunteering just one hour per week, please visit www.adultliteracyleague.org.

Many of you may have heard that the YLS is launching a **Law School Mentoring Program** with Barry Law School and other Florida law schools. This program will match members of the YLS with second- and third-year law students for one academic year beginning in fall 2010. CLE credit may be available. If you are interested in serving as a mentor or participating as a law student mentee, please visit the OCBA website at orange-countybar.org, click on "Sections" and "YLS" for downloadable information and application forms. You may also contact **Kristopher Kest** at kristopher.kest@lowndes-law.com or 407-418-6285.

The YLS **September Luncheon** will take
continued page 20

YLS on the Move

continued from page 19

place on **September 16, 2010**, at 11:45 a.m. Please email your RSVP to admin@ocbayls.org. If you RSVP before August 13, 2010, the cost is \$20 for lawyers and \$12 for law students, government attorneys, solo attorneys, and judges; a late charge of \$2.00 will be added if you do not RSVP.

If you want to find out more about the Young Lawyers Section, its committees and events, please contact your new communications coordinator, Jacquelynne Regan, at reganjj@lowndes-law.com. If you are not receiving the YLS email blasts, please send an email to Jacquelynne Regan or admin@ocbayls.org to sign up.

Jacquelynne J. Regan is an attorney with Lowndes, Drosdick, Doster, Kantor & Reed, P.A. She has been a member of the OCBA since 2007.



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Foreclosure Issues

Amy M. Guy, CP, FRP

The growth of foreclosures in Florida has taken a toll on our local courts. According to the Florida Supreme Court, "Florida has the third highest mortgage delinquency rate, the worst foreclosure inventory, and the most foreclosure starts in the nation."¹

The Court issued Administrative Order No. 09-54² on December 29, 2009, which identified the lack of communication between lenders and borrowers as the most important issue obstructing the resolution of foreclosure cases. The AO further concluded that "effective case management and mediation techniques are the best methods the courts can employ to ensure that such communications occur early enough in the case to avoid wasted time and resources for the courts and the parties."³ The Court established a uniform, statewide mediation program for residential mortgage foreclosures - the Residential Mortgage Foreclosure Mediation Program (RMFMP). The Court also provided circuit courts a model from

which to develop their own local foreclosure mediation program.

On July 2, 2010, Chief Judge Belvin Perry, Jr. of the Ninth Judicial Circuit Court issued Administrative Order 2010-11.⁴ Under the order, the Orange County Bar Association (OCBA) was named the RMFM Program Manager for Orange County.

On September 3, 2010, the OCBA Paralegal Section will host a seminar on residential mortgage foreclosure mediation. **The Honorable Lawrence R. Kirkwood**, an Orange County Circuit Court Judge, will discuss Orange County's new administrative order and how it will impact pending and new foreclosure actions. **David Torre, Esq.**, an approved Orange County, Ninth Judicial Circuit foreclosure mediator who recently completed an approved foreclosure mediation training co-sponsored by the Collins Center and the University of South Florida, will speak about the effectiveness of mediation in foreclosure cases. In addition, **Kim Homer**, Program Consultant for the Ninth Judicial Circuit Court's Residential Mortgage Foreclosure Mediation Program, will present general information about how the RMFMP is structured and will be implemented in Orange County.⁵

The OCBA Paralegal Section's seminar is Florida Bar Approved for 2.0 CLE Credits (1.0 general and 1.0 real estate). The cost is \$20 for OCBA members and \$25 for non-members and includes lunch. This seminar is expected to fill up quickly! To reserve a seat, please register at <http://events.constantcontact.com/register/event?oeidk=a07e2ywp7nj80288324>



Amy M. Guy is a paralegal at Calandrino Law Firm. She has been a member of the OCBA since 2007.

¹ http://www.floridasupremecourt.org/pub_info/documents/AOSC09-54_Foreclosures.pdf

² http://www.floridasupremecourt.org/pub_info/documents/AOSC09-54_Foreclosures.pdf

³ http://www.floridasupremecourt.org/pub_info/documents/AOSC09-54_Foreclosures.pdf

⁴ <http://www.orangecountybar.org/documents/ResForeclosureMediationRMFMPProgram.pdf>

⁵ The OCBA Paralegal Section's seminar will not fulfill the Florida Supreme Court's mediator certification requirements, nor will it meet the Supreme Court's foreclosure mediation training requirements. Additionally, the Paralegal Section's seminar, including Ms. Homer's presentation, will not fulfill the Ninth Judicial Circuit Court's requirement that Orange County mediators attend training on Orange County's specific RMFM procedures. Please see: www.orangecountybar.org for information about Ninth Judicial Circuit, Orange County, RMFMP training.

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Don't Try To Wing It When Going Solo

Susan Cartier Liebel

When you open your own law practice you go from wearing the singular hat of “lawyer” to wearing the many hats of a small business owner: lawyer, office manager, accountant, and marketing public relations executive. You are a business person first and foremost and have to approach everything you do as a business person. You are selling you, the lawyer, as your product. And you have to market the product. And no successful business is run without first constructing a business plan.

You don't have to have an MBA or be an accountant to run a business or be able to write a formal business plan. Whatever shortcomings you perceive, trust me, they are surmountable. You simply analyze these “shortcomings,” then manage them. And whatever your fears, they are certainly no excuse to stay an employee somewhere else.

Most people manage their lives well and practice managerial skills every day. Think about this. You are planning a two-week vacation to Italy. You select your travel dates. Based upon your traveling style you are either hitchhiking into the wind with a backpack, staying put in a villa with paid help, renting a car, reserving hotels in advance and mapping out your own trip, or taking a guided bus tour completely organized and prearranged before you even get on the plane. Your decisions are based upon your own personality, risk tolerance, skill level, and budget when traveling. Or, you may be skilled enough to do it all yourself but have the budget to pay someone to handle the work for you. But whatever your skill level, you are going to go to Italy for two weeks.

What is a business plan?

It is as individual as you are. It can be detailed or general. Unless you are looking for a small business loan and require something in a specific format, don't sweat the design. As long as it speaks to you and your ambition, it's fine. However, it should contain essential elements such as:

Long-Range Goals – You need to project 5, 10, 15 years down the road and it needs to include not just your business goals but your personal goals. The two are intertwined and to forget this is a recipe for personal and professional disappointment. The more specific you are, the better. Goals have specific achievements and a time line for success; without a time line it's not a goal, just a dream.

Putting together a business plan is no different from planning a vacation. Bottom line: know what is required to run your business, assess your skills in the various areas, and budget accordingly. If you can't add two and two, budget for an independent bookkeeper; if you are computer illiterate, budget for someone who can initially set you up then help you back up when your system goes down. You're going to open your own practice; how you are going to do it depends upon your plan.

Mission Statements – Personal: why you wake up each morning and what motivates you to do what you do on those days you need an extra push; Professional: a commitment to your clients and staff.

Location Statement – Where you want to locate, the rationale, the actual physical space required and decided upon, associated costs to set up, and the time frame for getting into the space. If you are choosing a home office, the same.

Marketing/Leveraging Plan – What image do you want to present to your potential client base and referral base, what vehicles will you choose to project this image and cultivate relationships, what are the associated initial costs and fixed monthly costs, not just in dollars but in time?

Insurance Analysis – What types of insurance do you require, how much does it cost and when should you purchase each?

Cash Flow Expectations – Two year, month-by-month debt service/income projection; your projected expenses and anticipated income on a month-by-month basis.

Sunset Clause – At what point financially, if you are not meeting your goals, will you decide to no longer operate a business?

Continuing Education – Schedule and costs associated with continued learning.

Grievance and Ethical Violation Avoidance Plan – What steps will you take to make sure you avoid grievances and ethical violations?

If you've ever planned a vacation, you can write a business plan and map out your future, a future with you running your very own business. The key is to commit to doing it, understand in what areas you will need help, and budget accordingly. Play to your strengths and pay someone else to compensate for your “weaknesses.”

Enjoy Italy!

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Susan Cartier Liebel is the Founder of Solo Practice University™, the #1 online educational and professional networking community for lawyers and law students. It is designed for those who want to create and grow their solo or small firm practices (<http://solopracticeuniversity.com>). As coach/consultant for solos and small firms, an attorney who started her own practice right out of law school, an adjunct professor at Quinnipiac University School of Law for eight years teaching law students how to open their own legal practices right out of law school, a current columnist for LawyersUSA Weekly writing on issues facing solos, and a previous columnist for the *Connecticut Law Tribune*, *The Complete Lawyer*, and *Law.com*, she has contributed to numerous legal publications and books on this topic as well as the issues facing women in the workforce. She speaks frequently to law schools and professional organizations around the country on issues facing solos, offering both practical knowledge and inspiration.





Elliott Wilcox

You paid top dollar for this CLE program because the lecturer is the world's expert on the subject. No doubt, he knows his stuff – for the past two hours you've heard every conceivable fact, theory, and idea on the subject. **Unfortunately, he's organized the presentation so poorly** that you can't understand how any of the ideas relate to each other. Now, starting the third hour, **you throw your hands up in disgust**, mutter, **"What a waste of money,"** and consign yourself to reading the handouts later.



Poor organization hampers, or even destroys, great material. It doesn't matter how strong your message is if the audience can't follow your presentation. By contrast, strong organization helps audiences remember the information, move to a logical conclusion, and think, feel, or act differently than they did when you started your speech.

Military school. Looking for a shortcut formula to organize your speech? The Army teaches a simple but effective method for outlining presentations: "Tell 'em what you're gonna tell 'em. Tell 'em. Then tell 'em what you told 'em." This basic format usually involves an opening, a body (with three main points), and a conclusion.

Write from the inside out. When using this formula, many lawyers waste a significant portion of their preparation time trying to craft "perfect" openings. When writing your first draft, don't get hung up on the opening. It's easier when you write your presentation from the inside out – start with the body before working on your opening and conclusion. List your key points and put them in order, starting and finishing with your strongest points and placing the weaker points in the middle to take advantage of primacy and recency. Once you have your main points listed, expand upon those ideas with supporting material: quotes, statistics, and stories. After you finalize the body, you'll have invested enough thought to know exactly what your audience should take away from the presentation. With that focus in mind, it will be easier to draft your beginning and conclusion.

Start with the end in mind. Before putting pen to paper (or fingers to keyboard), ask what you hope this audience will think, feel, or do differently when you finish your presentation. Too many times, we start a presentation without thinking about why we're writing it. I once heard a closing argument where the defense attorney focused all of his energies yelling about law enforcement in general and one police department in particular. If his goal was to make people hate police

officers, it was a well-organized speech.

Unfortunately for his client, that wasn't the goal of the argument.

To avoid that error, every time you craft a presentation, write the answer to this question on top of your paper: **"What do I want this audience to think, feel, or do differently when I'm done speaking?"** Starting with the end in mind simplifies your speech writing. Examine each point in the speech to make sure it supports that goal. If it doesn't, be brave enough to eliminate that point. The result will be a focused presentation that the audience understands, remembers, and acts upon.

Start on common ground. When organizing your speech, find common ground with your audience before moving to the solution or success story. For example, if you spoke to inner city kids about how you escaped from poverty to make your first million, you wouldn't start by talking about the million bucks. They can't relate – none of them are millionaires. But they will all relate to those days when your family shared a two-bedroom apartment with a second family, and you studied in the hallway because no one paid the power bill. Does your audience share a common legal problem? If your skills will help them save money or avoid lawsuits, don't start by talking about your solution. That's not common ground. Instead, tell the story of the problem. When everyone in the audience says, "Hey, he's talking about me," or "That's the problem our company faces," then they're ready to hear your solution.

Great presentations don't just "happen." Invest the time to organize your presentation, and your audience will understand, remember, and act upon your great material.

Elliott Wilcox is the editor of *Trial Tips Newsletter*. To get your free copy of his special report, "How to Successfully Make & Meet Objections," visit www.TrialTheater.com.

Rainmaking 101 ● *Contact Management Software and Client Development*

Becoming friends with your referral sources is both personally and financially rewarding. But that rapport requires an investment of time and energy as you learn about them and their lives, one conversation at a time. Like a string of pearls, each time you meet a prospective or an existing referral source, a new pearl is added to the strand. Once a certain number of “pearls” is reached, the relationship moves from acquaintance to friendship.

If you’ve ever fumbled when asking about a referral source’s family or couldn’t remember their spouse’s name, you’ve experienced the limitations of keeping all of this data in your memory. As the list of people you know continues to grow (many law firms have thousands of contacts), your memory shrinks. Contact management software specifically designed to help you maintain up-to-date information on prospective and present clients and referral sources can help. Remembering pertinent details – and being able to access those details – demonstrates you’ve paid attention and that you care. This is how relationships are built.

Building Your Database

These relationships are critical because they send the referrals that keep your practice alive and thriving. But not all referral relationships are equal, nor can you afford to spend an equal amount of time cultivating each one. Keep in mind that 80% of your referrals will probably originate from only 20 to 30% of your influencer base. We refer to this group as your Top Twenty list. Since this list will change over time, you must focus on cultivating the people on it and adding new influencers over time.

Types of Information to Collect

If you don’t have a Top Twenty list, collect names from your billing system, case lists or information sheets. The following list identifies the type of information you’ll need to collect on clients and influencers in your target market for each of your practice areas:

- Name, title, address (work or home, whichever is more pertinent);
- Telephone numbers (work and home) and fax number;
- Secretary’s name (if applicable);
- Status (prospect, influencer, client);
- Last activity or next activity;
- Income range;
- Occupation;
- Marital status;
- Spouse’s name; children and/or parents’ names/ages;
- Date of birth;
- Hobbies or passions;
- Legal services they desire;

- How they were referred to your office; and
- A, B, C, or D rating.

Even if you successfully can remember key facts about your clients and referral sources when you meet them face-to-face, you can’t easily perform many of the additional marketing functions made so simple with contact management software. Once installed the software allows you to perform the following functions with ease, speed and accuracy:

- Track your last conversation or any commitments you’ve made.
- Remind you to communicate with key referral sources and clients on a regular basis.
- Track trends among your various clients, thereby refining your demographic data. This allows you to predict the best opportunities for new clients and influencers.
- Generating reports on all legal services performed and future legal needs identified.

In addition to these basic functions, the software should allow you to perform more highly leveraged functions to cross-sell services to existing clients and influencers, including:

- Mail to groups of clients and influencers informing them of future events in your office; inviting them to stop by and update their files; and keeping them abreast of current legal issues.
- Mail to target groups of clients in your database who fit the criteria for other firm services, e.g., the



Mark Powers



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real estate client who qualifies for estate planning services. These letters can be invitations to attend information sessions or an offer for a complimentary consultation.

- Track the follow-ups to each referral and "tickle" an appropriate response such as a thank-you card or phone call.

Database Features

When it comes to finding contact management software that will guarantee you an organized database, look for a program that has the ability to:

- Create many databases - having a generous number of customizable fields will allow you to do this.
- Import data from other formats.
- Merge several databases into one.
- Auto-dial any phone number within the database.
- Date-stamp the notes you take for each contact.
- Store an unlimited number of contacts.
- Have a clear, readable format.

The contact information pages are the backbone of the system and will be referred to constantly.

A number of *case management* software systems have the ability to perform contact management functions and can serve a dual purpose. Investigate this possibility if you are in the process of buying new software. If you are interested in just installing contact management software, *ACT!*, *Goldmine* and *Outlook* are the most popular with our clients.

The importance of maintaining an up-to-date database should *not* be underestimated. Most of your new business will be referrals from the people whose names are in this file. Treasure and cultivate this cache of information – your practice depends on it.

Mark Powers, President of Atticus, Inc., and **Shawn McNellis**, co-authored *How Good Attorneys Become Great Rainmakers*, and are featured writers for *Lawyers, USA* and a number of other publications. To learn more about the work that Atticus does with attorneys or the Atticus Rainmakers™ program, please visit www.atticusonline.com or call 352-383-0490 or 888-644-0022.

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Speaking Engagements

Stephen D. Milbrath

addressed the Intellectual Property Law Association of Florida in Miami on June 10, 2010, regarding litigating and defending complex software litigation disputes. While software litigation involves many of the same issues raised by any other intellectual property litigation, Mr. Milbrath discussed the unique challenges that arise in cases dealing with software.

Russell Klemm, Clayton & McCulloh, P.A., was recently the guest speaker for the Orange County Neighborhood Services at their annual Community Workshop. Mr. Klemm spoke on the changes to Chapter 720 of the Florida Statutes regarding what can be done to landscaping.

Michael L. Smith, The Health Law Firm, spoke at the Seminole County Medical Society's Quarterly Meeting on May 18 at Heathrow Country Club. His presentation, *Hot Issues in Health Law*, included topics such as the new health reform legislation, the increase in Medicare fraud detection and prevention initiatives and others.

Louise B. Zeuli of Louise B. Zeuli, P.A., Maitland, recently presented *Extent (or Limits) of Mediator Influence to Effect Settlement* at a conflict resolution seminar with the American Arbitration Association in Orlando, Florida.

Seminars

Aug. 6 - *Briefcasing and Exporting Documents*. OCBA. Paralegal Section; Advanced Summation Training series. OCBA Center. CLE: 2.0. Fee: \$20 OCBA member / \$25 non-members. Speaker: Steve Reynolds, Digital Legal. Contact Lissa Bealke at Lissa.Bealke@gray-robinson.com.

Aug 10 - *Family Law Tips and Legislative Updates*. LAS Lunchtime Training. 12:00 p.m.-1:30 p.m. Comerica

Bank, 111 N. Magnolia Ave., Ste. 1000, Orlando, FL 32801. CLE: pending. Speaker: Angel Bello-Bellini. Contact Cathy Tucker at ctucker@legalaidocba.org or Marilyn Carbo at mcargo@legalaidocba.org.

Aug. 12 - *Brown Bag Lunch with Judge J.M. Kest*. 12:00 p.m.-1:15 p.m. Orange County Courthouse, Judicial Conference Room, 23rd floor. Bring your lunch; water will be provided. To RSVP or submit questions, contact Judge Kest's Judicial Assistant, Diane, at ctjadi1@ocnjcc.org.

Aug. 17 - *Personal and Professional Effectiveness*. A collaborative seminar presented by the Legal Aid Society, the OCBA, and Grant Professionals Network of Central Florida. Two sessions: 8:30 a.m.-10:30 a.m. or 1:30 p.m.-3:30 p.m. OCBA Center. Free. RSVPs required by Aug. 6. Speaker: Mark Shearon. Contact Donna Graf, LAS, at dgraf@legalaidocba.org.

Aug. 20 - *Passing the Torch - Domestic Appeals*. Family Law Seminar. 12:00 p.m.-1:00 p.m. OCBA Center. CLE: 1.0 pending. Speakers: Shannon Carlyle, Nicholas Shannin, Marcia Lippincott; Moderator: Lori Caldwell Carr. Contact Marie at marieb@ocbanet.org.

Aug. 24 - *Criminal Law and the GAL*. LAS Lunchtime Training. 12:00 p.m.-2:00 p.m. Comerica Bank, 111 N. Magnolia Ave., Ste. 1000, Orlando, FL 32801. CLE: pending. Speaker: Mary Ann Etzler. Contact Cathy Tucker at ctucker@legalaidocba.org or Marilyn Carbo at mcargo@legalaidocba.org.

Aug. 31 - *Quickbooks Basics Including Trust Accounting*. Solo & Small Firm Committee. 12:00 p.m.-1:00 p.m. OCBA Center. CLE: 1.0 pending. Speakers: David McCarron, CPA and Patty Craig, QuickBooks Pro Advisor. Contact Marie at marieb@ocbanet.org.

Sept. 3 - *Residential Foreclosure*. Paralegal Section Seminar. 11:30 a.m.-1:30 p.m. OCBA Center. CLE: 2.0. Speakers: The Hon. Lawrence R. Kirkwood and David Torre, Esq. Cost: \$20 OCBA member/\$25 non-members. Lunch will be provided. Register at <http://events.constantcontact.com/register/event?oeidk=a07e2ywp7nj80288324>

Sept. 14 - *Domestic Violence in Family Law*. LAS Lunchtime Training. 12:00 p.m.-2:00 p.m. Comerica Bank, 111 N. Magnolia Ave., Ste. 1000, Orlando, FL 32801. CLE: pending. Speaker: Teneasia C. Hall. Contact Cathy Tucker at ctucker@legalaidocba.org or Marilyn

Carbo at mcargo@legalaidocba.org.

Sept. 17 - *Family Law Trial Advocacy*. Family Law Committee Seminar. 12:00 p.m. OCBA Center. CLE: 4.0 pending. Contact Marie at marieb@ocbanet.org.

Sept. 23 - *Brown Bag Lunch with Judge J.M. Kest*. 12:00 p.m.-1:15 p.m. Orange County Courthouse, Judicial Conference Room, 23rd floor. Bring your lunch; water will be provided. To RSVP or submit questions, contact Judge Kest's Judicial Assistant, Diane, at ctjadi1@ocnjcc.org.

Sept. 28 - *Making the Forever Family: Adoption Finalization in Dependency Cases*. LAS Lunchtime Training. 12:00 p.m.-2:00 p.m. Comerica Bank, 111 N. Magnolia Ave., Ste. 1000, Orlando, FL 32801. CLE: pending. Speaker: Stephanie Stewart. Contact Cathy Tucker at ctucker@legalaidocba.org or Marilyn Carbo at mcargo@legalaidocba.org.

Sept 28 - *Agreements Not To Compare - The Basics*. Solo & Small Firm Committee. 12:00 p.m.-1:00 p.m. OCBA Center. Speaker: Richard Swank. Contact Marie at marieb@ocbanet.org.

Other News

Aug. 19 - *Backpack for Children*. Benefits Rock Lake Elementary School. How to donate: **Sponsor a child:** Each \$18.00 donation you make will buy a child a backpack full of school supplies (many thanks to A Gift for Teaching for the backpacks); or **Donate supplies: see YLS On the Move**. Monetary and supply donations can be made at **YLS lunch on August 19**, or contact Melanie Griffin (mgriffin@deanmead.com) or Barbara Leach (bleach@whww.com) **before Fri., Aug. 13 to arrange pick-up**.

Oct. 7 - *Lawyers for Literacy Spelling Bee*. Sponsored by the Young Lawyers Section. October 7, 2010, 6 p.m. downtown Sonesta Hotel. For more information, contact Zach Lynn, Adult Literacy League, at zlynn@adulthoodliteracyleague.org or 407-422-1540; or Daryl P. Gottlieb, Fisher Rushmer et al., at dgottlieb@fisherlawfirm.com or 407-843-2111. Sponsorships are available.

Corrections: The firm name for Mr. Adam C. Losey, who authored *Triggering Triage: Litigation Holds* for July's issue of *The Briefs*, was incorrectly identified. Mr. Losey is with Foley & Lardner, LLP. Jason Miller of Lowndes, Drosdick, Doster, Kantor & Reed, P.A., was incorrectly identified as a new Associate member in July's issue. He is Of Counsel. We regret the errors.

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 Sawyer & Sawyer, PA
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August - September 2010

August

- 4 Criminal Law Committee**
12:00 p.m. • Courthouse
23rd Flr. Judicial Conference Rm.
- 6 Paralegal Section Seminar**
Briefcasing Docs & Using Production Tools
12:00 p.m. • Bar Center
- 10 LAS Lunchtime Training**
Family Law Tips and Legislative Updates
12:00 p.m. • Comerica Bank
- 11 Estate Guardianship & Trust Committee**
12:00 p.m. • Bar Center
- Executive Council Meeting**
4:00 p.m. • Bar Center
- 12 Social Security Committee**
12:00 p.m. • Bar Center
- Brown Bag Lunch with Judge J.M. Kest**
12:00 p.m. • Courthouse
23rd Flr. Judicial Conference Rm.
- 13 Family Law Executive Committee**
11:45 a.m. • Houlihan's
- Workers' Compensation Committee**
11:45 a.m. • Smokey Bones
- 17 Legal Aid Seminar** (two sessions)
Personal and Professional Effectiveness
8:30 a.m. & 1:30 p.m. • OCBA Center
- Professionalism Committee**
12:00 p.m. • Bar Center
- 19 YLS Luncheon**
11:45 a.m. • Citrus Club
- Appellate Practice Committee**
12:00 p.m. • Bar Center
- 20 Family Law Committee Seminar**
Passing the Torch – Domestic Appeal
12:00 p.m. • Bar Center
- 24 LAS Lunchtime Training**
Criminal Law and the GAL
12:00 p.m. • Comerica Bank
- 25 Business Law Committee**
12:00 p.m. • Please contact chair.
- Labor & Employment Committee**
12:00 p.m. • Bar Center
- 26 OCBA Luncheon**
John R. Hamilton, Esq.
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LAS – 50 Years of Service
11:30 a.m. • The Ballroom at Church St.
Sponsor: Curtis Protective Services
- 27 Bankruptcy Law Committee**
12:00 p.m. • Bar Center
- 31 Solo & Small Firm Committee Seminar**
Quickbooks Basics (Including Trust Accounting)
12:00 p.m. • Bar Center

September

- 1 Criminal Law Committee**
12:00 p.m. • Courthouse
23rd Flr. Judicial Conference Rm.
- 2 Federal Judicial Relations**
12:00 p.m. • Judge Conway's Chambers
- 3 Paralegal Section Seminar**
Foreclosure Seminar
11:30 a.m. • Bar Center
- 6 Office Closed - Labor Day Holiday**
- 8 Estate Guardianship & Trust Committee**
12:00 p.m. • Bar Center
- Judicial Relations Committee**
12:15 p.m. • Courthouse 21st Fl.
Conference Rm.
- Executive Council Meeting**
4:00 p.m. • Bar Center
- 9 Social Security Committee**
12:00 p.m. • Bar Center
- 10 Family Law Executive Committee**
11:45 a.m. • Houlihan's
- Workers' Compensation Committee**
11:45 a.m. • Smokey Bones
- 14 LAS Lunchtime Training**
Domestic Violence in Family Law
12:00 p.m. • Comerica Bank
- 15 Insurance Law Committee**
12:00 p.m. • Bar Center
- 16 YLS Luncheon**
11:45 a.m. • Citrus Club
- Appellate Practice Committee**
12:00 p.m. • Bar Center
- 17 Family Law Committee Seminar**
Family Law Trial Advocacy
12:00 p.m. • Bar Center
- 21 Professionalism Committee**
12:00 p.m. • Bar Center
- 22 Labor & Employment Committee**
12:00 p.m. • Please contact chair.
- 23 Brown Bag Lunch with Judge J.M. Kest**
12:00 p.m. • Courthouse
23rd Flr. Judicial Conference Rm.
- 24 Bankruptcy Law Committee**
12:00 p.m. • Please contact chair.
- 28 LAS Lunchtime Training**
Making the Forever Family: Adoption Finalization in Dependency Cases
12:00 p.m. • Comerica Bank
- Solo & Small Firm Committee Seminar**
Agreements Not To Compare – The Basics
12:00 p.m. • Bar Center
- 29 Business Law Committee**
12:00 p.m. • Please contact chair.
- Labor & Employment Committee**
12:00 p.m. • Bar Center
- 30 OCBA Luncheon**
Deborah C. German, M.D.
Dean, UCF College of Medicine
11:30 a.m. • The Ballroom at Church St.

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- D. The technology is readily available

ANSWERS: A, B, C & D



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