

# **Law Office Technology Section Newsletter**

**(April 2000)**

**Chair's Commentary**  
**by Joseph M. Boyd Jr.**

The Law Office Technology and Management Section of the Tennessee Bar Association has been formally in existence now for about seven years. During that time, the section, through its board as well as through its individual members, has initiated and nurtured several innovative programs. Its past leadership has been responsible for starting TBALink®, Opinion Flash, and TBA-Talk, and in addition has furnished its members as the faculty for numerous Continuing Legal Education programs throughout the state.

Although the success of the section has been very fortuitous for the Tennessee Bar Association and the lawyers of Tennessee, it has resulted in a less active role by the section because the TBA has taken over such things as TBALink and Opinion Flash. The section has tended to rest on its laurels, and perhaps a little rest was in order. But it is now time to get back to the real job of the Section, and that is innovating and nurturing new programs for the lawyers of Tennessee and providing office management ideas that keep our TBA members at the forefront of efficiency and productivity.

My congratulations go to the newly elected officers and board members of the section, some of whom will be taking over their positions in the coming Bar year. However, I have asked that they actively participate now, before the Bar year begins, in planning the program for the 2000-2001 year. They will be the ones carrying out those plans, and they should have a major voice in developing them. All of them have not only agreed to carry the major load in planning for next year, but have actively and enthusiastically taken the lead in the effort. This can do nothing but good for the work of the section next year, and I am pleased with the quality and dedication of our new officers and directors. As a result of all of these efforts, when the new Bar year starts in June, the leaders of the Law Office Technology and Management Section will already be running when they hit the ground, and the section should be on its way to its best year ever.

**Prenatal Preparation — Getting Ready for the New Arrival  
How to Prepare to Convert to a Computer System  
or Update Your Present System  
by Joseph M. Boyd Jr.**

Computerized systems can be a boon to a well organized law office, but the gestation period from concept to reality can determine the success of the transition. The same can be said for the transition from an archaic or outdated computerized system to a modern and powerful system. Proper preparation of your office systems and personnel for conversion to a computerized system or to an updated and modern system will result in a smoother and more rewarding transition.

Although most all law offices now have at least some type of computerized word processing system, and the larger law firms have utilized fully computerized systems for many years, the implementation by smaller and medium-size law offices of computerized systems for other than word processing is now underway. Many of the small and medium-size firms are aware of the many advantages of full-system computerization, but do not know how to select those systems or how to implement them. In addition, many of the large firms desire to update their systems to take advantage of the new technologies, but many do not have an organized plan for the conversion. It is not the purpose of this article to advise how to select a system. It is to give some do's and don'ts on planning for the conversion. Just as a completely painless childbirth is not a reasonable expectation, so the acquisition of a computer system, or the conversion to a new one, will not be totally painless. We have set out herein some ways to minimize the discomfort. We have not in this article described use of the Internet, which is rapidly becoming a major research and communication tool. (There are many available publications which easily walk you through use of the Internet.)

**The Importance of Planning for the New Arrival**

Just as any new arrival in the home causes a disruption of the schedule or way of life, so the arrival of a new computer system in a law office also causes problems. The disruption is measured in the time required for the transition to the new systems, the money expended for extra office help, installation of additional wiring, and the frustration of suddenly finding that procedures have changed, that work may not be getting out as rapidly as possible, and that office staff is concentrating so heavily on the new system that they don't have time to get their regular work done. Let us consider each of these.

Proper planning before the arrival can materially reduce the time lost after arrival. A haphazard conversion can result in missed deadlines, work not getting out on time, and a breakdown in the flow of work to the lawyers or to the clients. If you get your computer and discover that your wiring is not adequate, you will have to install the requisite circuits immediately, which will be more expensive than having this work

planned in advance. Couple these with a general lack of organization and inability to get the work out on time during the conversion process and you have frustration sufficient to trigger aggression.

### The Planning Process

Your first decision involves what you initially will put on your computer system. Make a checklist of every system presently used in your office, such as your filing system, financial records, tickler, document retrieval, timekeeping, billing, case control, and mailing lists for newsletters. Decide which of these systems you want to incorporate in your computerized system by checking each one you believe can be feasibly converted or updated.

After you have made your checklist, set up a schedule. To decide the order you want to put the various systems on the computer, or to convert to a new computer setup, you must determine which systems or sub-systems are prerequisites for other systems. For example, you cannot do time and billing without having a complete client list with data, which will enable both you and the computer to identify the clients and matters. If you have a large number of clients, several days may be required to input this basic data. Your schedule should take into account the priorities of input of the various items, and that is the way we will discuss them here.

Filing system. Your filing system must be compatible with the computer software you are acquiring. If your existing file numbering system cannot be accommodated on the computer, you will need to change it. This is a good opportunity to review your system to make sure it is up to date and incorporates the latest technology.

An excellent filing system designed specifically for law offices is explained in detail in the monograph published by the American Bar Association's Section on Legal Economics (now Section on Law Practice Management), "Simplified Accounting Systems and Concepts for Lawyers," which was written by Kline D. Strong, J.D., Ph.D., C.P.A. Dr. Strong's suggested filing system has been incorporated into the client and matter system used by some of the major commercial software available. Basically, it uses a file number for each client and a decimal number for each matter for that particular client. This is a tremendous time saver with a computer, because you do not have to reinput all of the data in order to open a new matter for an existing client. When you have decided to computerize or modernize, you should immediately renumber your files to get them ready for the conversion so you will be using and getting used to the new file system before you attempt to convert to the new system.

To be continued in future issues ... the steps required to begin organization of your files, as well as preparing financial records, docket and training personnel on your computer.

## **Manage Your Most Valuable Asset, Part One** **by Suzanne Rose, TNBar Management Services**

Although you may not feel this way (all of the time) about the wonderful and complex human beings with whom you work ... those wonderful and complex human beings are a law firm's most valuable asset. Regardless of whether they are your partners, associates, paralegals, administrative staff or secretarial staff, they all play an important part in the success of your practice and in creating the culture of your firm. Successfully managing this most valuable asset is one of the biggest challenges of managing your practice.

One of the difficult aspects of "people management" is finding and holding on to qualified candidates for the firm's support staff positions. Support staff for purposes of this article refers to legal secretaries, paralegals and other non-attorney employees. Smaller firms, especially, struggle to maintain longevity in their support staff positions. Increasing competition within the local legal community as well as increasing salaries and attractive benefits packages offered by larger firms in nearby metropolitan areas may entice your employees to "look around."

A firm's success in hiring and keeping quality employees can be attributed to several factors, some of which are: \*A well managed hiring and orientation process; \*The firm's working environment and culture; and, \*The professional relationship between the employee and those with whom he or she works directly — which ideally will be characterized by mutual respect for the contribution each makes to the firm.

The hiring and orientation process sets the tone for the employee's tenure with the firm and might prove to make or break the success of the new employee. Here are some suggestions for ensuring that this first aspect of the management of your staff is successful.

### **The Hiring and Orientation Process** **The Search**

The first step in the hiring process is the development of a job description. Without a job description, neither you nor the candidates have a clue as to what they will be doing. Second, advertise the position via word of mouth to various local associations, such as the Association of Legal Secretaries, the local or state Paralegals Association, the Association of Legal Administrators, your local or county bar, attorney-friends, staff, clients, friends and family. You may also want to consider advertising in the local paper, but be prepared for an avalanche of résumés from candidates who may not have the qualifications you specifically requested in your ad. Temporary and permanent placement agencies often have good candidates, but the placement fee can be prohibitive. However, most agencies now offer a "try-

before-you-hire” service that allows you and the candidates to work together on a short term basis to see if there is a good fit.

## The Interview

Evaluate the résumés that have been submitted to you, paying particular attention to four areas: \*Work experience: Do the candidates have legal experience? Do they have specific experience in the desired practice area? If they have no legal experience or experience in the specific practice area, does their experience relate (at all) to what they will be doing in your position? Has their prior work experience required similar skills or been in a similar environment as the position in your firm? \*Duration of employment: Do the candidates’ résumés indicate longevity in employment history or have they “skipped around” from job to job or firm to firm? \*Education: What level of education was completed? Is it adequate for the position? Obtain, if available, the candidates’ G.P.A. \*Presentation of the résumé: Review the résumés for their professional presentation, typographical errors and format. Does the quality of the work product of their résumé meet the work product standard of your firm and/or of the attorney for whom the candidates will work?

Beware of the candidates “overselling” themselves via their résumé. Could they possibly be as good as their résumé suggests?

Considering the résumés submitted, select five or six of the strongest candidates and contact them for an “initial” interview. It is helpful to schedule the interviews as close together as possible so that you have a fresh memory of the candidates at the end of the process. Interview each candidate for about 30 minutes to obtain initial impressions and information that will allow you to either eliminate the candidates or select them for a second interview.

Prepare for the interview by developing a list of questions that will provide you the information you need to evaluate the candidates. Such questions might cover the candidates’ background (e.g., where they are from and what schools they attended). Many times a candidate’s background may include something in common with your own. Sharing common experiences at the outset of the interview will serve to put both the candidates and you at ease for the remainder of the interview. Secondly, ask the candidates to describe the work experiences they have had. (I realize you have it on their résumé, but ask them to describe it. You will learn a great deal more about their actual experience.) Ask them what they liked most and least about each position. This question often tells you something about how well each person will work with the attorneys to whom they will be assigned. It may reveal issues relative to availability for overtime work and how well they are likely to get along with other support staff. The third set of questions should address their reason for looking for another position and the type of position and work environment they seek. The more you encourage them to talk, the more you will find out about them and the better conclusion you can draw as to whether they will be a good fit for the position and the firm.

Next, ask the candidates to discuss in detail the tasks they have actually performed in their prior positions. This type of questioning provides insight into the depth of the candidates' experience in performing certain tasks. For example: a paralegal's résumé may indicate that he or she has experience preparing documents for corporate formation. Upon examination in the interview, you may find that "forming corporations" in his or her prior firm meant pulling up forms from the corporate forms bank and filling in the blanks with information provided by the attorney. The documents were then taken to the Secretary of State's office by messenger and filed. In your firm "forming corporations" may require that the paralegal obtain from the client the information needed to prepare corporate formation documents (requiring good interpersonal and communication skills), prepare a first draft of the documents using appropriate language (requiring an understanding of the meaning of the language and how and where it is to be used) and properly filing the documents with the Secretary of State.

Finally, it is wise to test secretarial candidates for their typing, transcription and spelling skills. It is wise to always test a candidate's skill level prior to hiring him or her. Even when using a placement agency, request that the agency test the candidates, using your test, prior to submitting résumés for consideration. The spelling test should be made up of business words and legal words or phrases. Testing should also involve revising short documents that have been "marked up" to see how well formatting and editing marks are understood. Dictate a letter on a tape and let the candidates transcribe it. The test does not have to be "timed." However, keep up with how quickly each candidate completes all of the tasks. This will give you an indication of their speed and ability to work under pressure.

Before the interview ends, you must "sell" the firm. Remember, the candidates are interviewing you, too! Discuss firm history, size, culture, practice areas, and personality. Describe the position in terms of skills needed and tasks to be performed. Describe (and be candid) the attorneys for whom the candidates will work. Honesty is the best policy here. What the candidates do not find out about their attorney in the interview process, will be found out in the first weeks and months of employment. If there are any surprises, the new employee may leave and you'll be back to the interview process again. Benefits can also be discussed at this stage.

Upon completion of all initial interviews, select candidates to return for a second interview with you and with those with whom the candidates will work directly. You should narrow the field to no more than three. During this interview process, the attorneys for whom the candidates will work should meet with the candidates and follow the same interview format as the initial interviews. The appropriate person should then ask the candidates what their compensation expectations are and review again the benefits package the firm offers. The candidates' interest in the position should also be determined before the second interview is completed.

When second interviews are completed, discuss with the appropriate attorneys the qualifications and salary expectations of each candidate. Make a decision as to whom the offer will be given and the compensation to be offered. Consider the market in which you are competing for employees in setting the salary offer. Make it as competitive as possible. If you cannot match the market or do better than market, be prepared to sell the candidate on the other benefits of working for your firm; (e.g., firm culture, personality, opportunities to advance into another position, etc.)

Call references to verify work history, attendance history, salary information and re-hire status. Once it is determined that all references check out, offer the position to the candidate of choice. Upon the candidate's acceptance of the position, provide a letter outlining the terms of the employment including start date, annual compensation, benefits and eligibility for vacation and sick time during the first year of employment. n

### **Tech Tips** **by Jack Mayfield**

The mobile attorney is frequently faced with the need to access his or her email while traveling. Now, thanks to web-based POP3 email retrieval services, the attorney's Internet email inbox can be accessed from any web browser, anywhere, anytime. Armed with only his or her email address, password and web access, the road warrior can retrieve his or her email or can send outgoing email messages bearing the office email address. Sites such as [www.mailstart.com](http://www.mailstart.com) require no prior registration and allow use of the site as a portal for free and unlimited access to one's Internet email inbox. A few caveats are in order: (1) only Internet email messages can be retrieved with this system; you won't be able to retrieve intra-office mail sent via Microsoft Mail, GroupWise or similar internal mail clients. If you need to receive a message or a file from someone in the office, have them send it to your Internet email address. (2) The user will be able to retrieve only messages that are still on the POP3 server, that is, if the user's desktop mail client back at the office, such as Outlook, is running, it will be retrieving messages every few minutes, and once retrieved, those messages probably won't be available for retrieval from outside. Solution: close your mail program before leaving the office or change your mail settings to "leave messages on server" while you're gone. (3) A more powerful site, such as [www.webbox.com](http://www.webbox.com), will be required to retrieve and manage email attachments. (4) And finally, investigate the privacy policies of the web-based mail retrieval service before retrieving or transmitting any confidential client communications.

A nice companion to browser-based Internet mail retrieval for the traveling attorney is a web-based fax service, such as [www.efax.com](http://www.efax.com). By registering at such a site, the user will receive a free fax number (generally not in his or her area code) to which faxes can be sent from the client or the home office. When registering, the user provides the service with his or her email address and downloads and installs a

small viewer program. Incoming faxes are delivered by the service to the user's POP3 server, and, you guessed it..., can be accessed on the road by using [www.webbox.com](http://www.webbox.com) or a similar portal that supports attachments. The fax message can be retrieved, opened, viewed on the screen or printed out to look just like a fax on your fax machine back at the office. The big advantage of this system over using a fax program, such as Microsoft Fax or Winfax, on a laptop to receive the incoming fax is that the message can be received at any time, regardless of whether your laptop is plugged into a phone jack. With this system, if you're not connected when the fax is sent, it will be delivered to your POP3 server and just sit in your email inbox until you retrieve it. Again, review fax site privacy policies before handling confidential communications.

Happy traveling!