



FROM THE PRESIDENT

Happy 2009! Welcome to a brand new year just full of exciting CHANGE!!!

After spending the last year worrying about the economy, it sure is nice to begin a brand new year and finally be free of all that economic worry stuff. Umm... right. Clearly, the current economic situation is going to continue to be concern many of us for the immediate future. In response, SCALA has identified some great speakers to help lead us through the rocks and shoals until it is all smooth sailing once again!

At our upcoming chapter meeting on February 19, Lorraine Williams from Mercer, will present: "Investing Through a Storm of Uncertainty". Lorraine's economic insights about what has happened to the financial markets, the mortgage industry and our economy overall will hopefully help us to develop

strategies for how we and our firms might best respond to these new challenges. In addition, we will be drawing for three scholarships to the ALA National Conference in New Orleans. Be sure to be there for your own "economic benefit" as well as that of your firms!

A second financial topic is planned for the April meeting: "Profitability Challenges Most Law Firms Face" will be presented by Seelin Naidoo, Chief Executive Officer of Cash Management Solutions. Mr. Naidoo will share his thoughts about the causes of these profitability challenges and also about strategies for overcoming them through cost reductions, increased revenue and improved realization.

The recent inauguration of our U.S. President also reminds me that it won't be long before we will be inaugurating a new Board of Directors for SCALA! The nomination committee, composed of myself, Clark Reifsnider and Larry Mack are in the process of creating our proposed slate of officers for 2009. If you would be interested in getting more involved, please contact one of us. It doesn't matter if you want to do a little or a lot—we'll find a place for you!

Two opportunities in particular are just waiting for fresh new faces to step in and make a difference. One is this Newsletter—The SCALA Scoop needs a new Editor-in-Chief. Whether you have previous experience or no, this is a great way to get more involved and always be on the cutting edge of chapter communications! Please contact me if you would like to know more!

A second opportunity is as Coordinator for our Vendor Fair which is scheduled for August 20, 2009. Joanne Moody has handled this for several years now and I've vowed to give her a break even if I have to take on the task myself. Actually, that's more or less the plan. As past-president, I have pledged my full assistance to whoever might step in as Vendor Fair Coordinator (at least until you beg me to stop.) Again, this is a great opportunity to expand your network and relationships with our vendors as well as get more involved with the chapter!

It's a brand new year and a brand new world out there. I, for one, am looking forward to each new CHANGE that 2009 may bring! I hope to see you along the way!

Shawn Payment

FEBRUARY CHAPTER MEETING
CLARION HOTEL, COLUMBIA, SC
FEBRUARY 19, 2009

Investing Through a Storm of Uncertainty

DATE: February 19, 2008

Time 10:00—10:30 Registration
10:30—12:00 Program
12:00 Luncheon

Place: The Clarion Hotel
Salon A
1615 Gervais Street
Columbia, SC 29201

Registration:
\$50 members
\$65 non-members



For Registration Info, Please Contact:

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ABOUT THE SEMINAR

The past several months brought a series of dramatic and unprecedented events to the financial markets resulting in an ever escalating government response in the US and around the world. The sub-prime mortgage crisis created a domino effect, crippling companies across the globe. Access to credit subsequently dried up in many areas impacting the economic outlook. Meanwhile, stocks fell sharply, inflicting heavy losses on investors. These events left many investors dazed and demoralized. While this is understandable, future investor success requires a logical assessment of the economy and capital markets. Join us to discuss strategies for the success of our firms during this time of global recession.

ABOUT THE SPEAKER

Lorraine Williams

Lorraine is Principal with Mercer, an MMC Company. The companies of MMC are among the world's leading global advice and solutions providers in risk and strategy. Lorraine is a Defined Contribution Advisor responsible for advisory and brokerage services. She has over 35 years experience dedicated to managing risk, maximizing growth and creating value for her clients. Lorraine is a Certified Financial Planner and holds licenses as an Investment Advisor Representative, Registered Representative, and Life, Health and Variable Annuity broker.

SCALA CHAPTER NEWS

SCALA hosts successful SC Bar Law Firm Management Seminar

The South Carolina Chapter of the Association of Legal Administrators was proud to host the annual Law Firm Management seminar featuring speaker Dustin Cole at the South Carolina Bar Association Annual Meeting in Myrtle Beach, SC on Saturday, January 24, 2009. SCALA warmly thanks our 2009 Business Partner, Wachovia Wealth Management, whose generous financial support made hosting of this event possible.

Dustin's presentation, entitled, "How to Build a Safer, More Profitable Practice—And a Well-Funded Retirement" attracted an audience of approximately 100 attorneys. The three-hour presentation covered ways to transform firm operations for productivity and efficiency and offered steps to protect clients, the practice and attorney retirements. The second half of the presentation included steps to build a successful and profitable client development system and how to build a practice designed for maximum value at retirement.

The session was very well received by all who attended. Photos of this event are also included in the article, "Four Steps to Building Great Client Relationships" which Dustin provided for inclusion in the SCALA Scoop! Thanks again to Dustin Cole, the SC Bar Association and Wachovia Wealth Management for contributing to the great success of this event!



Dustin A. Cole

ALA COMMUNITY CHALLENGE WEEKEND (CCW) SMILE TRAIN UPDATE

As you know, the South Carolina Chapter joined ALA's support of The Smile Train this past Fall for our annual Community Challenge Weekend (CCW) project. Many of our members pledged their support. However, as of January 2009, Smile Train reported to ALA that it had received only about \$300 in donations from South Carolina donors. Busy year end schedules may have caused this small task to slip the minds of many or we may not have been credited for donations due to administrative errors or missing donor information.

If you made a donation to Smile Train last Fall, please review your records and forward documentation of your donation to Steve Carasso as ALA Headquarters at Scarasso@alanet.org in order to ensure that our chapter receives full recognition for your generosity. If you forgot to make a donation and would still like to participate, you can still participate by visiting: <http://tinyurl.com/smile-train-SC>. Be sure to include your South Carolina address and select "Assoc of Legal Admin" where it asks, "What prompted your donation today?"

The SCALA board has also approved a donation to The Smile Train on behalf of the South Carolina Chapter in the amount of \$1,000. Through this donation, we hope to recognize and thank each of our members, firms and business partners for their generosity and continuing support of ALA over the past year.



From our neighbors to the North! 2009 Charlotte Chapter Spring Conference

Save the Date



2009 Charlotte Chapter

Spring Conference

March 26 & 27, 2009

*Don't forget to Support our
Sponsors!!*

Vendor Fair

March 26, 2009

4:00pm—6:00pm

*The Hilton Charlotte,
University Place*

*Invite administrative function
leaders and others who will
benefit from this event!*

Refreshments will be served

NEW VENUE!!

The Hilton Charlotte, University Place

**8629 JM Keyes Drive, Charlotte, NC
28262**

*Special thanks to our Platinum
Sponsor for helping to fund this event!*



Registration information will be distributed by e-mail in the near future!

Four Steps To Building Great Client Relationships

By *Dustin A. Cole*
President, Attorneys Master Class

Many attorneys believe their next client relationship will be "the luck of the draw" so to speak. To some extent that's true. But it's absolutely possible to build a practice that is virtually free of problem clients and has strong cash flow - if you're willing to refine or redesign your client intake and communications processes.

There are four basic steps firms can take to dramatically increase the quality and consistency of their client relationships and help maintain good cash flow.

Step#1: Choose Your Clients Carefully

If you have attorneys who believe that, on a slow week, the prospect of a little revenue from an "F" client is better than no revenue at all - they need to think again. "F" clients - the ones who their gut is already telling them will be trouble - usually end up costing them and the firm far more in time, overhead, stress, and aggravation than they will ever pay in fees. In fact, the unpaid fees are only part of the issue. Perhaps more important is the time they take, which attorneys could better use for client development or taking better care of "A" clients. "F" clients actually hold the attorney back from taking positive actions to build their practice, and create undue stress on both attorney and staff.

So, when an obvious "F" client is encountered, the attorney should just say "no." Better that they use their time for building their practice than to give it away to a client without scruples. And beware - not every "F" client is obvious. Attorneys should spend more time with every prospective client, asking questions and listening carefully to answers, attitudes, and implications, to identify potential "F" clients.

Let's make an important distinction between the pro bono client and the "F" client. Pro bono work is important, but the wise attorney chooses pro bono work up front rather than discovering halfway through a matter that they're working for free.

In fact, a good client selection process starts before the attorney ever meets with the prospective client. It starts with the initial call to the attorney's office. The attorney's assistant can ask some basic questions that disqualify some prospective clients from making an appointment at all. These might be questions like:

- "What is the matter concerning?" (Is it even in the attorney's practice area?)
- "Have you worked with more than one other attorney on this matter?" (Odds are that, if the caller has consulted with and fired more than one other attorney, either they or the matter spell trouble.)
- "M. Jones has an initial consultation fee of \$200. Will you be paying by credit card or check?" (Most of those who will balk at a nominal initial retainer will be "shoppers" looking



for free advice, and not serious prospects.)

- "Who referred you to our office?" (The assistant should have a list of the attorney's referral sources, and make anyone referred by them a priority.)

Step #2: Define the Working Relationship and Set Client Expectations

Attorneys often jump directly into case details as soon as the client has agreed to work with them. They're off and running, already immersing themselves in the familiar process of developing a case strategy. Unfortunately, they may well have left their client at the starting gate.

"Client communications" is one of the most frequent causes of bar grievances, with good reason. Clients are seldom told what the structure and standards are in terms of communication.

It's vitally important to remember that the vast majority of clients seldom use an attorney, and therefore have no idea how the relationship will work. To them their matter is by far the most important item on the attorney's agenda. Without such an understanding, they will form their own expectations about how the relationship should work. And invariably, it's very different from the attorney's modus operandi.

Therefore it's important that clients be provided with very specific information on how they and the attorney will work together at the very beginning of the relationship, before they form their own expectations. Rather than simply giving them an agreement to sign - or worse, to take home and sign (they'll never read it all) - they should be walked through a detailed and structured process. This includes:

- 1) A verbal guided tour through the agreement.

Four Steps To Building Great Client Relationships

By Dustin A. Cole
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- a) What will and will not be included in the representation.
- b) Terms of the retainer agreement.
- 2) A financial discussion.
 - a) What fees will be charged for what type of work.
 - b) Details on how fees are charged.
 - i) Hourly and partial-hour rates.
 - ii) How phone calls are charged.
 - iii) How e-mails are charged.
 - iv) Types of charges which may appear without client involvement: Research, depositions, strategy meetings, meetings with other lawyers, travel if necessary, copying and materials, other costs, direct and indirect.
 - c) How the retainer works.
 - d) How billings will be handled.
 - i) How soon after being recorded will hours be billed.
 - ii) Who to call for questions on their bill.
 - e) What happens when payment is past due.
 - i) 10 days - first reminder call.
 - ii) 20 days - second reminder call.
 - iii) 30 days - work is suspended or motion to withdraw is sent.
 - 3) How communications are best facilitated.
 - a) Best times to call to speak with the attorney.
 - b) Hours the attorney will normally not be available to speak with them.
 - c) How and when calls will be returned.
 - d) Who can help if the attorney is not available.
 - e) What times of day and week office meetings are normally scheduled.
 - f) What kinds of materials they'll be copied on.
 - i) How they'll be informed of what to do with them: For their file, for their response or action.
 - g) What to do when the call is an emergency.
 - h) Times when it is important to call the attorney.

Of course, all of this should be provided in writing, and tucked into a good-looking folder where they can collect everything the attorney's office sends them. The entire walkthrough can be accomplished in 15-30 minutes, and can be done by a paralegal or associate. This small amount of time upfront will reap considerable benefits:

- It will set the "context" of the working relationship and reduce client stress during the process.
- It will save the attorney and staff uncounted hours answering calls.
- It will reduce client frustration around having calls returned.
- It will encourage clients to speak to others in the office.
- It will clarify their financial obligations and the consequences of not meeting them.
- It will provide written "standards" which can be referred to when they express concerns over the working relationship.

Step #3: Communicate, Communicate, Communicate

Two important principles in communication:

The first principle: every time you communicate with a client (or don't communicate) you are, at the gut level doing only one of two things: *increasing* trust or *decreasing* it.

One of the most common client complaints is "I don't know (or don't understand) what's happening!" So make sure that *effective* (not just "adequate" – because who is to decide what's adequate? You or the client?) Here are some ways to do that.



First, make sure that every client gets some type of "update" communication – ideally a phone call, or at least an e-mail or note – at least once a month – even when nothing is happening. If that's the case, tell them, and let them know when you expect something will happen. Silence breeds paranoia, and paranoia is a disease of a "D" client.

Next, make sure the client receives copies of all pertinent information. But don't just send those copies – help them understand what those copies are all about. Develop a series of pre-printed clip-on notes or even rubber stamps which say things like "FYI and file only – no action needed" "Please read and review for our next meeting" "Please read and sign where indicated" or "Please read and call to schedule a meeting." When necessary, dictate a cover letter of explanation.

Communications aids such as this help clients feel less fearful, and keep them participating fully in their matter. A client who starts missing appointments, not paying bills, is signaling that they are fearful, suspicious – or out of money.

Second principle: every communication contains two elements: *information* and *service*. A client can feel served by a phone call from a helpful team member when the attorney wasn't going to be able to get back to them timely, even when they

Four Steps To Building Great Client Relationships

By Dustin A. Cole
(Continued...)

didn't get the information they desired.

So an unreturned call justly upsets a client, not only because they didn't get the *information* they wanted, but because they felt ignored, unimportant, *unserved*.

So, return phone calls promptly according to the standards you laid out in your client education meeting. Delegate it to the appropriate team member as per the standards laid out in the meeting, and if you can't return the call in the specified period, have a team member call with an apology and an offer to help.

How do you know if your communications efforts are *effective* and not simply *adequate*? ASK them. The best firms regularly have an outside person, or someone in the firm not on their legal team, check in with clients to find out how they are perceiving the attorney's and team's and firm's efforts on their behalf. Sound far fetched? Why? After all, it's the client's matter, the client's money, and he client's life. They've just put it all in our hands for safekeeping. We work for them.

Last, the bill. You already know it's one of the most fear-inducing communications you can send them, so do everything you can to reduce the fear factor. Bill as quickly as possible after doing the work; never let more than 30 days go by, and provide detailed explanations of billings. Ideally, you should keep a recorder handy, and instead of slapping a decimal into the computer, dictate the time and what it was spent on.

Instead of simply not billing for certain things – short calls, check-in calls, etc. include them in the bill, along with their cost – then deduct them as a “courtesy discount.” You already do a lot of thing for free for your client. Let them know. We all like nothing better than something free.

From a client's point of view, effective communications makes the difference between doing it with their attorney – or having their attorney do it to them. And for the attorney, it can make the difference between happy, paying clients, and unpaid bills, complaints, grievances or even malpractice suits.

Step #4: Live by Your Own Standards

If the attorney sets standards for the client, they need to be prepared to live by them, or all of the foregoing was wasted time.

Don't take non-urgent phone calls during hours indicated as "not available" just because you have a moment. The client will decide you should always take them.

Train staff to direct calls to the paralegal or associate for assistance. Return calls promptly as per the standard given the client. Have others return calls you can't get to within the time standard. Copy the client with all promised materials, with instructions on what to do with it (read and file, read and respond, etc.)

Bill within the standard set, follow up on overdue billings per the standard, and take actions as indicated in the standard.

Many an "A" client slips to "D" or "E" or even "F" because of lack of enforcement of the standards that were explained to them. When they fail to pay bills and the attorney continues to work, they learn they don't have to pay. When the attorney takes a week to return their call, they come to believe their problem isn't important to the attorney. When they

receive unidentified papers in the mail, they get worried and fearful.

The cumulative result is a good client who starts to act like a poor one. All because no one educated them on the process and the working relationship, and no one in the attorney's office is operating on a standard.

Sound like a lot of work? Then think about the time an attorney spends working for free unintentionally, and the stress caused by an unhappy client - or worse, the grievance filed by one. Then, think about an office free of "F" clients and filled with less stressed and more satisfied clients (and staff).

Take steps now to build and implement a more structured client intake and communications system, for the sake of your clients - and your sanity.



How to Survive the Crash – Attorneys Master Class

Featuring Dustin Cole

Friday, March 13, 2009

Presented by The South Carolina Bar-CLE Division

Live at The University of South Carolina Law School Auditorium, Columbia, South Carolina
and via South Carolina-ETV closed circuit television to Four Video-CLE sites statewide

****Charleston**** Charleston School of Law, 81 Mary Street
****Florence**** Poynor Adult Education Center, 301 South Dargan Street
****Greenville**** Buck Mickel Center, 216 South Pleasantburg Drive
****Myrtle Beach**** Horry-Georgetown Tech, Grand Strand Campus, Meyers Avenue

Registration Fee: \$235.00

Registration begins - 8:30 a.m.

Program begins - 8:55 a.m.

Adjourns- 5:15 p.m.

Mandatory CLE (MCLE) and Legal Ethics & Professional Responsibility (LEPR) Credit Hours

This program qualifies for 6.5 MCLE credit hours, including up to .5 LEPR credit hour.

About the Seminar

Why You Should Attend:

- * Five things to ABSOLUTELY AVOID in the downturn
- * How to stay #1 with your best referral sources
- * How to “change the game” to retain clients
- * Techniques to combat price resistance and price undercutting
- * How to sign more clients who are reluctant to hire a lawyer
- * How to reduce collections problems
- * Effective use of advertising, websites and blogs
- * Ideas for building “on demand” staffing and support
- * How to create innovative alliances for decreasing overhead
- * How to reorganize safely - what to cut and what to keep
- * WHY and HOW to INCREASE, not decrease marketing

About the Speaker

Dustin Cole is President of Attorneys Master Class, one of the nation’s leading attorney practice development organizations. Mr. Cole has trained over ten thousand attorneys across the United States in how to build more successful practices and develop their dream retirements. He brings more than 35 years of experience in every phase of marketing and management to his work with the legal profession. Cole has helped firms and individual attorneys cope with market change, partner disputes, mergers and breakups, has guided practice groups through successful marketing planning and execution, and has advised firms in planning successful retirements and firm successions. Through Attorneys Master Class, Dustin has supported firms ranging in size from solos to over 2000 attorneys. Cole’s past and current client list includes Holland & Knight, Snell & Wilmer, Roetzel & Andress, Akerman Senterfitt, Broad & Cassel, Gray-Robinson, Gunster Yoakley, Smith Currie, Carlton Fields, Phelps Dunbar, Levenfeld Pearlstein, and scores of smaller firms.

For complete [seminar](#) information, including [registration](#), click the following link or paste the link below into your web browser: <http://tinyurl.com/SCBar-Dustin-Cole>

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