



## *Standing on the Shoulders of Giants*

On January 7<sup>th</sup> chapter members gathered at the Palmetto Club in Columbia to recognize the retirements of J. Edward Herren, Jr. and Larry B. Mack. Ed, the Administrator at Gallivan White & Boyd, P.A., and Larry, the Chief Operating Officer of Haynsworth Sinkler Boyd, P.A., together had 41 years of ALA experience and contributions between them.

Ed's wife Terri and Larry's wife, Brenda,

graced us with their charm and presence. A large group of chapter members and guests attended, in addition to a valued long-time business partner, Darryl Lanier of DTI. Another special guest was former ALA International President, David Constantine, who will be stepping into Ed's shoes at Gallivan White & Boyd upon Ed's retirement.

Ed joined ALA in 1987 and was an integral part of our chapter's early growth. Ed held the position of chapter President almost 20 years ago, back before the internet and ALA's website provided such wonderful resources to the chapter's lead-

ers as it does today. He has supported SCALA during his entire career and we are grateful for his many years of service, advice and wisdom.

Larry worked hard for SCALA from the moment he joined approximately 18 years

ago. Larry worked his way through various positions on the chapter board of directors, continuing to serve as an at-large director until his retirement.

From chapter president, Larry moved to an ALA Regional board position, and from there served on the ALA National board of directors. Larry has never wavered in his support and contribution to ALA and was a key player in leading our chapter to its current streamlined and efficient structure.

We thank Ed and Larry for their many years of friendship and service and wish them good health and happiness in retirement.



**J. Edward Herren, Jr.**



**Larry B. Mack**

*If I have seen further it is by standing  
on the shoulders of giants.*

— Isaac Newton

# SC Chapter News

## SCALA Sponsors South Carolina Bar Convention Program on Lawyer Retention



**C.T. Calvert**

On Saturday, January 22, 2011, I had the pleasure of speaking at the South Carolina Bar Convention as part of its law firm management seminar. My keynote presentation addressed retain-

ing valued lawyers with flexible work, elimination of bias and bias-related career obstacles, and connecting them with their firms - all with the goal of providing better client service.

At the outset of the program, Barbara George Barton of the Barton Law Firm in Columbia and Chair of the South Carolina Bar's Professional Potential Task Force presented results from the South Carolina Lawyers: [The State of the Profession survey](#). If you haven't seen this, I highly recommend taking a few minutes to review it. It is one of the most comprehensive surveys of lawyers I have seen, and it received a remarkable 25% response rate. Its findings discuss such gems as why lawyers are dissatisfied, their work/life experiences, whether they have seen gender-based condescending behavior, the effect of income and debt levels on young lawyers, and the costs of attrition. Importantly, about half of the respondents work in small legal organizations (2 - 20 lawyers), and an additional 25% are solos, so this survey gives insights into the legal profession that research into BigLaw misses.

After the keynote, I joined a panel of exceptional and esteemed speakers: Barbara

George Barton of the Barton Law Firm in Columbia, Joseph West, Associate General Counsel for Outside Counsel Management at Walmart, and Rhonda Amick, Chief Operating Officer at Turner Padgett Graham & Laney, P.A. We delved into the practicalities surrounding reduced hour work, including why it matters to clients like Walmart and why Walmart is now requiring its outside counsel to have non-stigmatized flexible work programs, and whether reduced hours work is more costly to firms.

I would like to thank everyone who made this program possible. The sponsoring organizations were the South Carolina chapter of the Association of Corporate Counsel, the South Carolina Association of Legal Administrators, the South Carolina Bar Professional Potential Task Force, and the South Carolina Women Lawyers Association. I am also grateful to sponsors F3 Concepts and Square Boxx.

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*Cynthia Thomas Calvert is a nationally-known consultant, speaker and writer. A former law firm partner and co-founder of the Project for Attorney Retention, she uses her expertise to help law firms refresh their policies and culture to meet the needs of their lawyers and clients. Reprinted with permission, previously published by C.T. Calvert, <http://www.ctcalvert.blogspot.com>*



*Clark Reifsnider welcomes seminar attendees. (Also pictured: Barbara George Barton and C.T. Calvert)*

# NAVIGATING THE SOCIAL NETWORKING MINEFIELD - ARE YOU PREPARED???

February 15, 2011

Sponsored by

The South Carolina Association of Legal Administrators

Date: February 15, 2011

Registration: \$25

Time 12:00—1:00 Registration  
and Lunch  
1:00—2:30 Program  
2:30—3:00 Question and  
Answer Session  
3:00—3:30 Meeting and  
Election of Officers  
3:30-4:00 Board Meeting

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

Send registration form and check  
payable to:

SCALA, Attn: Teresa Powers  
Baker, Ravenel & Bender, LLP  
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Columbia, SC 29204

Please refer questions to:  
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(803) 799-9091  
tpowers@brblegal.com

## ABOUT THE PROGRAM

Social networking sites continue to grow in popularity and usage among lawyers—and so do the risks of violating client confidentiality or ethics rules. Should a lawyer “friend” a judge on Facebook? What are the legal or ethical rules regarding surreptitiously gathering data from social networking sites? Attend this meeting and hear from two recognized sources.

## ABOUT THE SPEAKERS

### *Barbara Seymour, Esquire*

Barbara Seymour is the Deputy Disciplinary Counsel to the Supreme Court of South Carolina, where she investigates and prosecutes grievances filed against lawyers. She will discuss social networking and the ethical concerns that should be considered when trying to implement social media in your law firm.

### *Jeff Vinzani, Esquire*

Jeff Vinzani is a partner at Nexsen Pruet who has a real grasp of social networking. Jeff manages several LinkedIn groups, with his largest group totaling nearly 9,000 members. He also has a loyal Twitter base of 1,750 followers. In 2010, Jeff was named #42 out of the Top 100 Twitter Users in Investment/Commercial Real Estate by Real Property Alpha. Jeff will address the practical aspects of implementing and maintaining a social media campaign within a practice or firm wide.

SCALA has applied for 1.50 hours of CLE Credit (1 hour of Ethics Credit)



South Carolina  
Chapter



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# Facing the Risk

By Mike Shea, Thaxton Barclay Group

As the economy becomes more and more tumultuous, law firms continue to face higher risks and tougher business decisions. Account receivables are on the rise, collection timelines are lengthening beyond 90 days, clients are stretched thinner and thinner, while at the same time firms are doing everything they can to keep business coming in the door and keep everyone on the payroll. These are some of the most difficult times law firms have faced in history. These are the times when risk management becomes even more important because behind every good client is somebody looking to capitalize and receive financial gain by any means possible.



Here are some simple tips to consider when evaluating your firm's risk management practice and procedures. Following these procedures does not prevent malpractice claims, but certainly can be used as a guide to educate you on why malpractice insurance carriers ask certain questions. These tools may also help you to identify practices and procedures to help minimize the threat of a legal malpractice action. These practices become even more important during these difficult times we are currently facing. Now, more than ever, is the time to pay attention to all aspects of your law firm to make sure corners are not being cut and carefully putting quality in front of quantity.

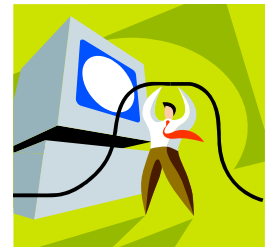


Starting with the basics, make sure to have a quality intake form that covers everything ranging from billing and fee arrangements to critical statutes or other time sensitive deadlines. You will want this form to clearly spell out the scope of service(s) and most importantly address any conflicts of interest and attorney/client privilege issues. Knowing how to check for and identify conflicts or potential conflicts is essential in avoiding a legal malpractice matter. A good client intake form is an excellent first step!

Something that is most important during these tough economic times and relating to my previous comments is accepting clients and/or cases. Here are a few things to consider before engaging with any new client or taking on a new case. First and foremost, beware of clients who are changing attorneys or have unreasonable expectations. Trust your instincts. If your impression of the client or the case is unfavorable then more than likely you are correct. ALWAYS decline any representation in writing. Be sure to avoid giving any recommendations or opinions on the case and include any statute of limitation dates if applicable. We have seen it time and time again when a client brings a suit against a firm because they believed they were representing them. The

last thing you want is to be set up by a potential client relating to a case you never accepted in the first place.

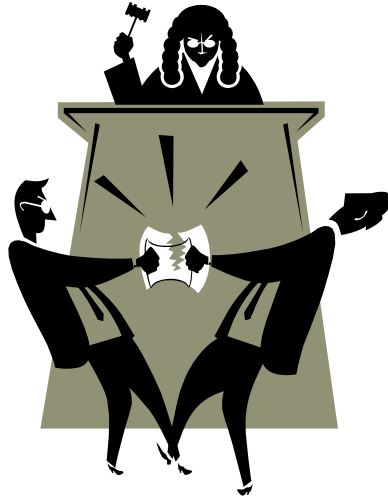
How is your docket and case management system? There are many technologically advanced programs available these days that range in all sorts of capability and affordability. I can assure you that this is vital for maintaining control of your practice. Timely and accurate communication with your client is a key component to case management as well. Here are a few procedures to consider implementing if you have not already done so and if you have now is a good time to review everything. Make sure to have a computerized docket system with a minimum of one paper backup system. It is also recommended to have offsite storage of backup information. Another good practice is to have calendars cross-checked by more than one individual. We all know that sometimes another set of eyes will pick up on something others may not. It is also critical to have a quality training program for your staff on the proper use and management of all office procedures. Studies have shown that the highest percentage of malpractice suits originate from some sort of administrative error. This is something that can be easily prevented with the proper systems and procedures in place.



# Facing the Risk

(Continued...)

Lastly, I want to touch on a very common practice especially during tougher economic times such as the ones we have been faced with recently. I am referring to suing your clients for unpaid legal fees. This can be very detrimental for a number



of reasons, but most importantly because it sets the table for a cross-complaint for legal malpractice. Just below administrative errors, statistics have shown that the second most common malpractice suit is the direct result of a counter complaint result-

ing from an attorney suing a client for unpaid legal fees. This gives you an idea of why all insurance carriers look at this as a key underwriting question. If this is common practice in your firm it can surely have a negative impact on your premium as well as affect your insurability. Trust me, I understand that sometimes it cannot be avoided, but here are a few things to consider before going down that road. Take into consideration the cost of litigation and the time involved. Make sure to consider the possibility of a malpractice counter-suit. Also, consider the factors in collecting the judgment. As a preventative measure some firms utilize a procedure of collecting higher retainers, or a series of follow up letters with periodic billing.

Some will use a collection agency to pursue the matter before filing suit. A final step, assuming you meet all ethical obligations, is simply withdrawing from representation, when you can.

There is no doubt as a part of human nature that we are all prone to mistakes from time to time during our professional careers. Some of these can be prevented and some simply cannot. I hope you will consider this information as a valuable tool to improving your practice and maybe helping prevent a simple mistake. You may just alleviate the burden of a malpractice suit walking in the door. I am hopeful this will also provide some insight into the questioning on malpractice insurance applications. There is no doubt that times have been tough for law firms over the past few years, but that does not change the risks associated with your practice. It actually magnifies these risks. Although now may be a time when you need to scale back certain things, make sure you keep all these things in mind as you do so because risk management is more important to your practice than it has ever been.



*Author: Mike Shea, Thaxton Barclay Group, 100 N Tampa St. Suite 3530, Tampa, FL 33602. Thaxton Barclay Group specializes in the evaluation, assessment and placement of professional liability insurance and risk management for law firms.*

## The SCALA Scoop

The "SCALA Scoop" is the newsletter of the Association of Legal Administrators, South Carolina Chapter, and is published 4-6 times per year and distributed to over 50 legal administrators, vendors and other legal professionals throughout South Carolina.

Direct questions or submissions to:  
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# The Three Rhythms of Workflow – Getting and Staying in the Groove

By Paul H. Burton

It's been a rock and roll day here at QuietSpacing(R) central. Between all the things I shoved into today, the things everyone else shoved into today, and the collective exigencies that popped up overnight, it's a wonder the day ended!

I felt myself ease into the groove right way this morning. First, I reviewed the landscape of the day, then I triaged all the e-mails that had arrived overnight. The collective pulse rose as people started calling and the activity level all around me increased. Soon, I was responding to client and employee requests for my attention, while I also re-scripted a presentation I wanted to record for the web.

The middle of the day heaved over and, as the afternoon drew out in front of me, I found myself contending with several technical issues. By mid-afternoon it was time to get a number of things done out of the office, so into the world I went. The relative quiet of the outside world was a welcome relief to the mounting pressure building in the office. E-mails weren't quite as urgent as keeping my eyes on the road and phone calls were taken more selectively.

With the errands complete, I returned to the office for a final workload/e-mail triage before heading out into the drizzle for a run. While I slogged through the rain, I reviewed the day from the 10,000 foot level. There had been much activity and even a fair amount of productivity, but what struck me the most was the rhythms I'd experienced during the day. The more I thought about what I'd done all day, the more I realized that we work in three distinct rhythms – Rapid Fire, Short Burst and Extended Focus. Each rhythm has its own pace and its own benefits.

## Breaking Down the Day

From a productivity standpoint, the longer we can stay in each rhythm, the more we'll get done. It's not just that multitasking is inefficient, it's that batching like tasks together reduces the need to change the type of focus and energy you need to remain highly productive.



To achieve this higher level of productivity, group like tasks together based on the three categories below, then organize your day around addressing them in batches. Not only will you get more done, you'll enjoy the benefits of accomplishing these associated tasks.

**Rapid Fire – You're Needed.** The best example of the Rapid Fire rhythm is powering through e-mail. It's so reassuring to have all those e-mails waiting for us. Way deep down, our egos are screaming, "You like me! You really like me!" (Apologies to Sally Field, but it was just too opportune!) On a more serious note, the reality is that we get a lot of e-mail and we need to get through it all. It's also true that most e-mail is some form of junk mail – stuff you don't really need to know or do anything about. Thus, it's a perfect place to get into a Rapid Fire rhythm and slice and dice your way to the end of them. Proper setup of for Rapid Fire processing is vital, so check this article out on how to do that – [Setup For Power Processing Your E-mail](#) – then select a couple of times each hour to bust a move on that e-mail. Don't stop until you've covered all the unread ones, then move to the next thing that needs your attention.

**Short Burst – You're Gettin' 'Er Done.** The Short Burst rhythm is reflected in the incremental efforts you make all day long to move the ball down the field. These are the 15- to 30-minute projects/phone calls/meetings that consume most of your day. Each time a small task is completed, the project is that

# The Three Rhythms of Workflow – Getting and Staying in the Groove

(Continued...)

much closer to getting done. Whenever you get a bunch of these done in a day, you feel really productive. This rhythm is evidenced by the lines through items on your To-Do list and the associated feeling of accomplishment you get looking at that list at the end of the day. The best time to establish this rhythm is first thing in the morning – right after the initial e-mail triage – and right before going home. These activities tend to generate mental energy as opposed to deplete it, so fill that tank up first thing when you get to the office and right before you go home!

**Extended Focus – You’re Contributing.** Undoubtedly the most rewarding experience – personally and professionally – is when we feel as though we’re contributing to the effort, whatever that effort might be. Getting into the Extended Focus rhythm is the most likely place to capture that feeling. This rhythm is quieter mentally and physically than the other two. This is when your focus dives deep into a task or project and you begin to see all the connections you’re pulling together. We’ve all felt proud and satisfied with ourselves when we

see a project we’ve worked long and hard on come to fruition. We’ve made a difference; we’ve contributed. This rhythm is not something we can enjoy every day, but it’s a rhythm that is necessary to get the big tasks done. Thus, you need to make time and space for it in your schedule. Sequester yourself away physically if necessary to get into and be able to stay in this rhythm. The reward is worth it.

## Manage Your Day to Get the Most From It

The three rhythms of the day come and go. Some days are all Rapid Fire. Some are mixes of Rapid Fire and Short Bursts. A few include Extended Focus. Each rhythm is natural and each delivers a reward. Your assignment, should you decide to accept it (nod to Mission Impossible), is to organize the work that needs doing to best leverage these rhythms.

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Paul H. Burton is the author of QuietSpacing® – Productivity Has Evolved, as well as numerous articles on productivity which have been published locally, regionally and nationally. More information about Paul and QuietSpacing® can be found at [www.quietspacing.com](http://www.quietspacing.com)



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