Ten Tips for Using Technology Efficiently Without Letting It Run Your Life

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The appropriate use of technology has the potential to significantly enhance our productivity and save time and energy. The inappropriate use of technology, however, has the potential to significantly diminish productivity, engender frustration, and squander precious time and energy.

Three major challenges arise in the course of determining the appropriate use of a particular technology:

- First, optimal technology use is highly personal; a computer program or electronic gadget may appear logical and intuitive to one person but oddly designed and cumbersome to another.

- Second, we must usually use the technology for a while before having enough information to decide whether a system is right for us.

- Third, in order to get the most benefit from technology, we must use it judiciously.

Here are ten points to consider in choosing the technology that will be most helpful to you, and in using it in the most productive manner:

1. **Make technology decisions in light of your personal needs and preferences**. No one should feel obligated to keep up with others technologically if their current system satisfies their needs. Judge a system by its results, not the level of technology used to achieve those results. For example, I know a well-organized partner at a Silicon Valley law firm who manages his complex legal practice using little more than a calendar and a dime-store notebook. I also know many less-organized individuals who find little benefit in even the most up-to-date, multi-function information management programs.

2. **Before adopting a new technology, carefully consider the likely time and energy costs** of learning it and integrating it into your overall system. All new technology requires some time investment up-front. Consider the slope of this learning curve and whether the likely improvements to the bottom line will justify this start-up time. Take the time to research which programs and systems are both easy to learn and designed with a robust tolerance for human errors.

3. **When adopting a new technology, allow sufficient time with it -- at least several weeks -- before you decide whether it is right for you.** Expect to make mistakes when you learn a new program, and view the trial-and-error learning process as the norm, not as evidence of poor technological skills. Re-scan the user's guide after using the program or gadget for a while; what made little sense at first will be much clearer once you have a framework of knowledge to work within.

4. **Multitask with caution.** Doing more than one thing at a time is not necessarily good time management. "Humans subjected to excessive laboratory-induced multitasking show increased tension, diminished perceived control, and even experience physical discomfort."[1] Assess whether the benefits of compressing activities justifies the increased stress.

5. **Set your own boundaries.** Consciously choose when and how you are willing to be available to others. Use technology to enforce these limits: let your answering machine or voicemail screen your calls during pre-determined periods; turn off your e-mail prompt and check for new messages three or four times a day, rather than allowing new e-mail to interrupt or distract you whenever it arrives.

6. **Set your own pace.** Just because you are able to respond to an e-mail instantaneously does not mean you always should. Some responses require time to formulate -- to research, discuss with others, or think through your answer. You might want to let the sender know that you received her message, and that you are working on an answer which you expect to transmit to her within, say, 24 hours. Educate your clients and correspondents regarding a reasonable turnaround time.

7. **Apply the basic principles of paper management to all incoming pieces of information** regardless of their source. For example, whenever you check your e-mail, voicemail, incoming pages, etc., deal with the item as few times as possible. Complete minor tasks immediately without even transferring them to a to-do list, or do as much as you can on the task upon first receiving it (forward a message, fill out a form, etc.). If you cannot complete an item the first time you hear, read, or touch it, add the task to your master to-do list so you can schedule its completion for a more appropriate time.

8. **Consolidate your work by merging the output of different forms of technology.** For example, instead of using your e-mail in-box, saved voicemail messages, and stack of faxes as *de facto* separate to-do lists based on the method by which the task was first communicated to you, keep one comprehensive, backed-up master "to-do" list on a PIM (personal information manager) such as Microsoft Outlook, or even on a simple word-processing program such as Microsoft Word. Other systems include transcribing voicemail upon first listening to it; printing out substantive e-mails to put in paper files; or scanning paper documents into a word-processing program for inclusion in electronic files.

9. **Don't reinvent the wheel when it comes to filing.** The names and organization of your electronic files and physical files should parallel one another as closely as possible.

10. **Decide when enough technology is enough.** Occasionally doing things the old-fashioned way -- such as writing a thank-you note by hand -- is a pleasurable change in a high-tech world.

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[1]Michelle M. Weil and Larry D. Rosen, *Technostress: Coping with Technology @ Work @ Home @ Play* (New York: John Wiley & Sons, 1997) at 109.

Critical Business, Management, and Supervisory Skills for Associates: ALA Research Findings and Their Implications

Stephen R. Chitwood and Anita F. Gottlieb
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In 1999 the Foundation of the Association of Legal Administrators funded a study designed to identify the business, management, and supervisory skills associates should acquire within their first seven years of legal practice. The study was conducted by Dr. Stephen R. Chitwood and Dr. Anita F. Gottlieb for The George Washington University Center for Law Practice Strategy and Management. The detailed findings of the study as to each of the 58 skills identified are summarized in the January 2000 issue of **Legal Management**, the official publication of the Association of Legal Administrators.

The following article explains how the research was conducted, lists the 58 skills identified by the participants in the study, and discusses the implications for associate integration, development, and retention.

Research Methodology

To determine which business and management skills associates should acquire and when this learning should occur, the researchers conducted extensive interviews with over 50 managing partners, partners, associates, and executive directors of seven firms of varying size in Washington, D.C. These interviews produced a list of 58 skills that interviewees believe associates should possess by the end of their seventh year of practice.

To investigate the extent to which these 58 skills are perceived as essential for associates in a larger sample of firms, researchers developed and distributed a six-page survey to managing partners, partners, executive directors, and associates in 69 firms of varying size located throughout the United States.

The survey asked respondents to indicate whether each of the 58 skills was required of associates during their first seven years of practice. If respondents believed a skill was required, they were also asked the level of competency associates should possess by the end of their first, third, fifth and seventh year of practice.

For this study, respondents were asked to assess two levels of competency for each skill. The first level of competency was that of **Knowledge and Understanding**. At this level associates can generally describe and discuss the purpose, nature and

characteristics of the skill; when the skill should be employed; some of the difficulties in applying the skill; why it is important to have the skill, etc. They are not assumed to be able to put the skill into practice effectively or efficiently in accomplishing their work.

The second level of competency was that of **Application**. At this level associates are assumed to be able to utilize a skill in the normal course of business.

Responses to the survey numbered 265 from 45 firms, with representative responses from partners, associates, and executive directors. Survey data were statistically analyzed according to respondents': (1) firm size, i.e., under 50 attorneys, 50-99 attorneys, 100-249 attorneys, and 250+ attorneys; (2) position in the firm, i.e., partner, legal administrator, and associate; and (3) gender. Firms responding to the survey were located throughout the United States, e.g., Maine, Missouri, California, Georgia, Washington State, Pennsylvania, Nevada, Michigan, Kansas, Minnesota, Ohio, Texas, Oregon, Washington, D.C.

Researchers analyzed each of the 265 survey responses to determine for years one, three, five and seven, the mean (average) and mode (most frequent) responses as to whether each skill was **Not Required**, required at the level of **Knowledge and Understanding**, or required at the level of **Application**. They next analyzed responses to determine if statistically significant differences existed among the mean scores of respondents depending upon their positions within their firms, the size of their firms, or their gender.

Research Findings: The 58 Skills Are All Critical

The most unexpected and startling finding of the study is that the 265 survey respondents (partners, associates, and executive directors) agree overwhelmingly that **associates, by the end of their seventh year of practice, should have a competency level of Knowledge and Understanding or Application for all 58 business, management, and supervisory skills.** Furthermore, this agreement exists across all respondents regardless of their position, firm size, or gender.

The 58 skills identified in the study were as follows:

Category 1. Business Skills

A. Client Relations Skills

1. Delivering high quality legal services efficiently--value added
2. Listening to hear what the client is really saying
3. Providing timely and accurate information to clients
4. Identifying efficiencies and communicating them to clients
5. Assisting clients in clarifying goals
6. Working to identify and achieve client goals
7. Building working relationships: returning calls, being available, etc.
8. Learning how and when to say yes and no appropriately to clients
9. Understanding the clients' competitive environments

B. Client Development Skills

1. Identifying, qualifying, and working a prospect
2. Structuring and drafting a response to a RFP
3. Developing a personal business development plan
4. Developing a section business development plan
5. Developing a potential business network
6. Acquiring presentation and public speaking skills
7. Understanding what clients are looking for in a law firm
8. Being sensitive to business development opportunities with current clients
9. Developing appropriate interpersonal skills

C. General Business Skills

1. Accounting and finance for lawyers, e.g., balance sheets, P/L statements
2. Private and public financial markets and institutions, e.g., stock markets, banks, FDIC, Federal Reserve System
3. American business and industry structure and governance (including goals)
4. Decision making practices in business and industry
5. Basic statistical analysis

D. Firm's Operations and Procedures

1. Firm's structure and governance
2. Firm's finances: revenues, expenses, profit, and compensation
3. Firm's fee structures for different clients
4. Billing and write off procedures

5. Profitability analysis of engagements
6. Time sheets
7. Learning the firm culture: norms, values, practices, beliefs
8. Firm's practice areas: major clients, industries, specialties, nature
9. Understanding the firm's competition in the legal marketplace

Category 2. Management And Supervisory Skills

A. Managing One's Own Work

1. Planning, organizing, and managing one's own time
2. Setting work priorities
3. Running an effective meeting
4. Recognizing one's own potential work crisis and heading it off
5. Identifying firm's resources to get work done efficiently
6. Keeping up with new information (technical, firm policies, etc.)
7. Estimating assignment time and budgets for one's own work
8. Communicating effectively your ideas to partners and clients and gaining support for them
9. Analyzing and selling one's own skills and abilities to partners and clients
10. Learning the politics of the section and the firm
11. Acquiring Internet skills for non-legal research
12. Recognizing one's own abilities and interests and planning one's own career
13. Taking responsibility for a case as though it were your own, e.g., develop a case plan and review it with the partner
14. Thinking creatively
15. Facility with computers: word-processing, spread sheets, presentation programs
16. Taking initiative in securing assignments
17. Being an effective team member

B. Managing and Supervising Others' Work

1. Planning and organizing subordinates' time, e.g. secretaries, paralegals, jr. associates
2. Monitoring and evaluating subordinates
3. Estimating individual assignment time and budgets for others
4. Recognizing one's subordinates' potential work crises and assisting in heading them off
5. Managing crises arising during assignments/projects/cases
6. Delegating and giving an assignment effectively

7. Motivating colleagues and subordinates
8. Building effective teams
9. Giving supportive and critical feedback

Implications for Associate Integration, Development, and Retention

Over the years firms have come to recognize the importance of enhancing their training efforts for associates. Firms have been particularly attentive to strengthening associates' legal skills training. Significant strides have also been made in advancing skills training for numerous and varied business, management, and supervisory purposes. What has been lacking in the latter category, however, has been an understanding of just which business, management, and supervisory skills associates should acquire; when those skills should be acquired; and at what level of competence those skills should be acquired.

The findings of the ALA study provide a excellent starting point for answering these critical questions. They suggest that associates must rapidly develop business skills involving client service and management skills involving effective communication and teamwork. While client service skills and selected management skills are critical to associates as early as their first three years of practice, the business skills of client development increase in importance from their third year of practice onward.

The study results also suggest that associates themselves understand the importance of developing their business, management, and supervisory skills. In fact, associates often believe they need these skills earlier and/or at a higher level of competence than do partners.

For firms to obtain the greatest benefit from the findings, managers should use these data to develop an inventory of requisite business, management, and supervisory skills and competency levels for associates that are uniquely applicable to their own firms and/or practice groups. This skills inventory could then be used to assess the current levels of all associates' competencies. From these assessments, firms could target their training programs precisely to the particular skills and competency levels associates require. Under ideal circumstances, this information would then be incorporated in associates' annual professional development plans and performance appraisals.

Firms that possess business, management, and supervisory skills inventories unique to their own firms and/or practice groups can use this information both as a selling point for recruiting associates and as a vehicle for orienting recent law school graduates to their changing role as associates. New associates can quickly and precisely see how their role will evolve to encompass new and enlarged accountabilities and authority. And in firms that have in place training curricula for conveying these skills to associates, the associates will possess clear expectations of their future role and clear expectations as to the accountability of firm management for providing opportunities to acquire these skills.

The job of associates is to understand the interests and meet the needs of partners and the firm's clients. Sometimes, however, neither partners nor clients are clear in articulating what their interests and needs really are. If firms convey the expectation that associates are to acquire and use business and management skills as lawyers, associates will have less uncertainty and anxiety about what the future practice of law holds for them in their firms. And if firms provide associates with the training necessary to acquire these skills and the opportunities to use them, both firms and associates will be well rewarded.

Associates are no longer law students. The role of associates in today's private firms is no longer the role played by associates in yesterday's legal world. Partners and associates must both adjust to these changes in role. The findings of the ALA study offer a concrete, specific, and practical baseline for assisting partners and associates to understand better the changing business, management, and supervisory dimensions of the role of associates. As a result, the study findings also provide firm managers with an intelligible point of departure for developing programs to orient, integrate, develop, and retain associates and laterals hired into their firms.

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Substantive Law Training

Most law offices practice in a variety of substantive specialties with very different knowledge, skill, and performance requirements. Whether or not you yourself are a lawyer, the training needs in some of those specialties will be outside your area of expertise. How, then, do you assure high-quality training in substantive law across the firm as a whole?

Here is a menu of beneficial resources and activities on which you could collaborate with the substantive experts in the firm, perhaps beginning with a pilot program in a particularly promising specialty area. Depending on the group's priorities and resources, you might adopt all of these or only a few:

1. **Develop and publish an inventory of the most useful internal and external resources** for information, knowledge, and training in the specialty. This could include such things as basic legal primers, codifications of laws and regulations, journals and newspapers, classic law review articles, in-house training programs and handouts, CLE courses and course materials, model documents, video and audio tapes, CD-Roms, web sites and on-line databases, etc. It should also include a brief description and evaluation of each resource, and a recommended progression for the new practitioner. In creating the resource inventory, also investigate whether experienced practitioners have developed their own process checklists, model documents, or other practice templates that would be helpful to others.

2. **Determine how often the foregoing resources are (or should be) used and make them available accordingly**. For references used daily, for example, make sure every lawyer in the group has a personal copy.

3. **Provide a comprehensive survey course to new practitioners** who have little or no formal preparation in the specialty (this is a particular need in Government Contracts, which few law schools include in the J.D.

curriculum, but the need will exist in other practice areas as well). Depending on such factors as how many new lawyers need to be trained at once, how custom-tailored the training needs to be, and the teaching resources available to you, this might be taught in-house or out, using internal or external faculty and/or materials. Some of the possibilities:

*   A course developed and taught by your own in-house experts, perhaps built around some of the resources you identified in Item 1 above
*   A custom-designed in-house course developed and taught by outside experts
*   A standard course taught in-house by outside experts, with some customization to ensure its relevance to your practice
*   An outside CLE course (some excellent one-week survey courses are given locally each fall in a variety of legal specialties)
*   A semester law school course

4. **Identify the most useful professional associations, committees, and conferences, and promote participation.** Specialty bars and conferences in many fields are tremendous clearinghouses for news, ideas, best practices, and expert contacts. Where there are many organizations and activities to be covered, spread the coverage around so that everyone is doing something but no one is doing too much, and the practice group gets the benefit of multiple inputs and connections.

5. **Organize regular discussions**, face to face or in an intranet chat room, videoconference, newsletter column, etc. – whatever format is most effective and practical -- of:

*   A progressive series of assigned readings (especially useful for new practitioners)
*   Current developments in the law, the industry, the regulations, regulatory policies, etc.
*   Current case developments, case post-mortems, and lessons learned
*   What was learned at recent professional conferences or CLE courses

6. **Provide hands-on experience and skill building** through:

*   Training programs that incorporate experiential

learning techniques, such as discussions of actual or hypothetical case studies and skills practice and feedback

- Supervised pro bono assignments (some pro bono organizations provide excellent pre-referral training and/or case supervision – see the "Pro Bono" section in *The* **Capital CLE Calendar**, below, for training opportunities)
- Progressive client assignments
- A special small case or small client program that permits associates to manage their own cases and build expertise, with limited supervision and at reduced rates

7. **Organize a variety of mentoring and teaching opportunities for experienced lawyers**. The lawyers with the ability and inclination to function as traditional, one-on-one mentors or effective teachers and trainers are firm treasures. They should be supported and rewarded accordingly. Unfortunately not every lawyer is thus equipped, but every experienced lawyer can contribute in some meaningful way – for example, as a conscientious supervisor, as a creator of resource materials, or as an "electronic mentor" fielding questions on a designated topic by e-mail or in an intranet chat room.

8. **Identify and publish a schedule of performance milestones** – the critical knowledge, skills, and experiences each lawyer in the specialty should have as she progresses toward mastery – for at least Years 1, 2, and 3, and preferably beyond. Establish a system for monitoring progress and criteria for recognizing and intervening in problem situations.

Substantive legal capacity is the mainstay of every law practice. An appropriate mix of the learning activities and resources outlined above will enable you and your firm to grow and strengthen it.

– Gaye Mara

Professional Developments

The **Association for Continuing Legal Education**'s 36th Annual Meeting is scheduled for July 29-August 1 in Vancouver. Again this year a special In-House Training track is planned, on such topics as:

- Optimizing attendance at in-house programs
- How to conduct a training needs assessment
- Keys to a successful in-house program
- Successful systems for tracking programs & credits
- The relationship of training to evaluations

Visit www.aclea.org for more information.

The **ALA Foundation** and GW's **Center for Law Practice Strategy and Management** have teamed to study associate business and management skills. Phase One of the study, conducted in 1999 with the assistance of 45 participating firms and 265 responding individuals, inventoried the critical skills associates need as they progress toward partnership (see the Chitwood/Gottlieb article in this issue). Phase Two, slated for completion this year, will identify training resources that firms can tap into to develop the skills.

As we go to press, **area law schools** are planning their summer semesters. The details will appear in our May issue; in general, nondegree registrations are requested in late May and classes start in early June.

MCLE Watch

The **Arizona** and **Florida** Bars have put CLE credit on line. **Arizona**'s first course, *The Nuts and Bolts of Trial Practice*, confers up to 2 hours of Arizona self-study credit, including 0.5 hours ethics, if the course is completed within 90 days of enrollment (go to www.azbar.org). **Florida** offers substantive law courses and an *Online Professionalism Series* that satisfies Florida's 3-year ethics, professionalism, and substance abuse requirement (at www.flabar.org).

In **California,** following reinstatement of mandatory CLE by a State Supreme Court decision last August, the state legislature passed Senate Bill 144 mandating that the 3-year MCLE requirement be reduced from 36 hours to 25 and that all special subject-matter requirements be eliminated except for 4 hours in legal ethics. The California Bar then commissioned an overhaul of its MCLE rules. The proposed new rules are posted for public review and comment on the Bar's web site, at www.calbar.org/2cer/mclerev.htm. Comments are requested by March 10.

The **New York** CLE Board has published revised MCLE Regulations and Guidelines effective December 31, 1999, at www.courts.state.ny.us/mcle.htm. Among the changes:

- Newly admitted attorneys can now earn "transitional" CLE credit through approved video conferences as well as live courses without first having to obtain special permission from the Board.
- The list of acceptable non-traditional formats now explicitly includes video conferences and satellite transmissions.
- Credit is now available for moderating a CLE activity as well as presenting.
- A new Section 8C on "Hybrid Accreditation" specifies how credit-seeking attorneys and non-accredited providers can get individual courses approved.
- More detailed requirements are imposed on providers applying for accreditation and on accredited providers submitting year-end reports.

Proliferating new admittee requirements: Increasingly, state bars are requiring new admittees to complete some type of "Bridge the Gap" course of study in local rules and practice, professionalism, and basic skills. Typically the course has been developed by the bar itself and is given only in its home state, thus complicating the lives of nonresident attorneys. Also typically, both brand-new law graduates with no practice experience and attorneys with many years of practice in another jurisdiction must take the same basic curriculum. (New York, which has taken much grief over other aspects of its new CLE regime, is a shining exception to the latter absurdity.)

Bars which currently impose special CLE requirements on new admittees include **D.C.**, **Maryland**, and **Virginia**; also Alaska, Arizona, Colorado, Delaware, Florida, Georgia, Idaho, Kentucky, Missouri, New Hampshire, New Jersey, New York, North Carolina, Oregon, Rhode Island, South Carolina, Texas, and Utah.

The **Capital CLE Calendar**
Volume 6, No. 5 ▪ February 1, 2000

How to Read This Schedule: The following schedule lists, first by topic and then by date, live continuing legal education (CLE) courses offered by accredited providers in the greater Washington area on and after February 1, 2000. Live distance programs are identified by the following symbols just after the date:

- ✶ Satellite broadcast or videoconference
- ☎ Telephone seminar
- ▣ On-line seminar

All courses are given in Washington, D.C. unless otherwise indicated. If available, the beginning and ending times, tuition fee, and any pre-approved mandatory or minimum CLE (MCLE) credit hours are given (the latter in brackets at the end of the listing). Please note that MCLE credit requirements vary by state and credit arrangements vary by course and provider, so be sure to confirm in advance with the course sponsor or CLE Board whether and how any needed credits are obtainable.

Course Sponsors. Contact information for the sponsoring organizations follows the course schedule. (If a program has multiple sponsors, the one listed first is the primary

contact.) More detailed information on the courses in this schedule is available from the course sponsors.

Registration and Fees. Most course sponsors will fax brochures and registration forms on request and will accept credit card registrations by phone, fax, or on the Internet. Many discount registration fees for members (in the case of membership organizations), for government and public interest lawyers, or for early registration, multiple registrants, or multiple courses for the same registrant. Some permit registration at the door for an additional charge. For some courses, however, especially those noted as "limited enroll-ment," advance registration and payment may be required.

Materials. Most providers sell their course materials separately. These may offer the most comprehensive and up-to-date survey of the law on the topic currently available.

Additional Courses. Visit our website at <http://www.profdev.com/courses.htm> for a listing of current, local CLE courses announced after this issue went to press. To find courses offered outside the local area by major national providers, visit our page of links to their sites, <http://www.profdev.com/links.htm>.s