

T H E P R I M E R U S

Paradigm

A new model for lawyers and law firms

SPRING|SUMMER 2010

**The foundation for
good marketing: trust**

**Building relationships as
strategic partners, trusted
advisors, good friends**

Complete Membership Directory

President's Podium

John C. Buchanan

Building relationships as strategic partners, trusted advisors, good friends

In recent discussions, I have been asked to articulate how Primerus is different from other law firm networks and alliances. I immediately begin by talking about the Six Pillars – the common set of values to which every Primerus attorney and firm is committed: Integrity, Excellent Work Product, Reasonable Fees, Continuing Legal Education, Civility and Community Service. These are the standards which clients expect from us, and which we expect from one another as the best attorneys around the world.

the standards of the past, we represent a new and exciting paradigm in the delivery of legal services to the world. Across the board, Primerus firms deliver high-quality legal services at reasonable rates. When you see that a firm is a member of Primerus, you know that it meets the highest of standards – without exception. But we go beyond even that. Primerus not only provides excellent legal services; it offers attorneys who are strategic partners, trusted advisors and good friends.



together is being a **good friend**. A client should be somebody I like and somebody I want to work with. We should be able to talk about our kids and our trips just as easily as business.

With these three critical facets – strategic partner, trusted advisor and good friend – in place in client relationships, marketing takes on a new meaning. It becomes about much more than how can I snag your business so I can get money in my pocket. It shifts to establishing and

**... Primerus firms deliver high-quality legal services at reasonable rates.
When you see that a firm is a member of Primerus, you know that it meets the highest of standards – without exception.**

When I first started working as an attorney in the 1960s, lawyers followed the Six Pillars as a matter of course. The practice of law was a highly esteemed profession, and the lawyer jokes that seem to be in endless supply these days, simply didn't exist. In the ensuing decades, the profession deteriorated. The values represented in the Six Pillars became the exception rather than the rule among lawyers.

We founded Primerus to change that – to go “back to the future,” if you will. The Six Pillars and the Primerus lawyers who follow them day in and day out help make the values of the past part of the present and the future of the legal profession.

But the uniqueness of Primerus goes beyond the Six Pillars. By returning to

As a **strategic partner**, the Primerus attorney understands not only the client's business and its short-term needs; the Primerus attorney also understands how this one transaction fits into the larger picture and the client's long-term needs. Primerus attorneys bring more than knowledge of the law in their area of expertise, they seek to understand the client's unique situation, issues and motivations.

To achieve this, the attorney-client relationship must be based on trust. As **trusted advisors**, Primerus attorneys assure clients that they have their best interests in mind, not their firm's bottom line. A trusted advisor puts the client's interests ahead of his or her own and truly cares about the client as not only a client, but a person.

And the underlying foundation which holds the ideal attorney-client relationship

sustaining relationships between good clients and good attorneys for the long term.

Primerus is here to help facilitate this kind of marketing. Brand development, differentiation, web sites, search engine optimization, newsletters and other marketing efforts are all critically important. You cannot practice law today without being on top of the trends in these areas, and we're pleased within this issue to bring you expert advice to maximize your potential in many of these areas. But I urge all of us to not lose sight of the basics – of the value of solid relationships built on trust and friendship.

A handwritten signature in black ink, appearing to read "John C. Buchanan". The signature is fluid and cursive, with a large, stylized 'J' at the beginning.



Every lawyer in Primerus shares a commitment to a set of common values known as the Six Pillars:

Integrity
Excellent Work Product
Reasonable Fees
Continuing Legal Education
Civility
Community Service

For a full description of these values, please visit www.primerus.com.

In this issue

This issue of *The Primerus Paradigm*, our largest ever, focuses on marketing as well as other issues important to Primerus members and the legal industry at large. We are pleased to feature an article by Primerus client **Robert E. Muhs**, Vice President, Government Affairs & Counsel for Avis Budget Group, Inc., about the kind of marketing that helps law firms catch his attention.

The Primerus Paradigm is now mailed to thousands of Primerus clients and partners, in addition to our entire membership. If you would like further information about anything you read in this publication, please contact Chad Sluss at 800.968.2211.



About our cover

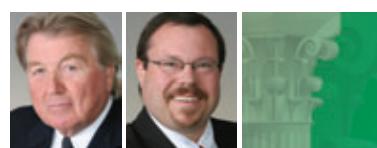
The game of chess requires careful planning of not only your next move, but several moves ahead in your pursuit of success. Similarly, thriving in the legal industry and meeting the needs of clients requires a thoughtful approach to challenges in an ever-evolving global legal market.

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The Foundation for Good Marketing: Trust



In the 1970s, a young lawyer named Rick Quinlivan started doing litigation work for a machine manufacturing company. Unfortunately, he lost his first case for them. Then he lost the second. But still, this company continued to trust Quinlivan with even the most serious of their cases. Thirty years later, they still do.

“They liked the way I tried that case even though I lost it,” said Quinlivan, now managing partner at Quinlivan Wexler LLP, a Primerus firm in Santa Ana, California. “Since then I have not lost another case for them.”

Quinlivan’s relationship with this company has survived changes in personnel, as well as his move from one firm to another. Their bond is based on the client’s assurance that they will

receive excellent service at reasonable rates. It is based on Quinlivan’s proven integrity over time. It is based on *trust*.

In today’s world, where consumers and clients face a constant barrage of advertising and marketing competing for their attention, *trust* becomes paramount. Many large law firms have more marketers than Primerus firms have attorneys, with corresponding marketing budgets. How does that contrast with the Primerus model for marketing – based on relationships, trust and value?

“The Primerus approach to business development and marketing is building relationships and differentiation in the legal marketplace,” said Primerus President John C. “Jack” Buchanan.

“We expect a commitment to the Six Pillars from every one of our attorneys. We then go beyond that, becoming for our clients strategic partners, trusted advisors and ultimately, good friends.”

Importance of trust

In his article, “A Matter of Trust,” David Maister, an expert on the management of professional service firms, laments the erosion of trust in relationships between professionals and clients, stressing to professionals the need to earn, and re-earn it, throughout their careers.¹

In the article (an excerpt from Maister’s 2000 book *The Trusted Advisor*), Maister tells the story of his effort to find a lawyer to process a relative’s will. He writes:

“The first few lawyers I talked to tried to win my business by telling me about when their firm was founded, how many offices they had and how much they would charge me. None of this inspired much confidence. Finally, I encountered a lawyer who, during my initial phone call, asked how much I knew about what was involved in processing a will. My reply was, ‘Nothing!’ He then suggested

that he would fax to me a comprehensive outline of the steps involved: what I needed to do immediately and what I should forget about for a while because it was not urgent. The fax also provided the phone numbers of all the governmental bodies I needed to notify, even though this had nothing to do with his legal work (or fees). All of this (immensely helpful) information was provided freely, before I had retained him. Naturally, he got my business. He had earned my trust by being generous with his knowledge and proving that he was willing to earn my confidence.”

Maister also writes about the importance of values in building trust between two parties. “People will trust you, be they client, colleague or employee, to the extent that they know what your principles

(or deeply held values) are, and to the extent that they know you can be relied on to act in accordance with your principles. If people don’t know what your values are, or worse, suspect that you have none beyond your own short-term self-interest, they will not trust you with their business, their loyalty or their cooperation.”

He also states that trust is about relationships. “I will trust you if I believe that you’re in this for the long haul, that you’re not just trying to maximize your own short-term benefits of our interactions. Trust is about reciprocity: You help me and I’ll help you. But I need to know that I can rely on you to do your part and that our relationship is built on shared values and principles.”

Those shared values and principles are immediately apparent to clients of Primerus firms, in the form of the Six

Pillars. Clients know from the start that every Primerus attorney shares a commitment to these values, and that they will provide the roadmap for the way an attorney provides service to a client.

Clients also know that any Primerus firm has undergone an extensive vetting process in order to gain admission to the alliance. The third-party Primerus endorsement offers firms the opportunity to avoid the self-praise marketing and advertising tactics that turn off so many clients, and instead rely on the confidence and trust inspired by a quality endorsement.

“Law firms can talk about how great they are in their marketing and advertising, but it’s what others say about them that matters most,” said Buchanan. “The Primerus endorsement speaks volumes to clients. Without question, it tells the world that a firm is worthy of trust.”

“Trust is about reciprocity: You help me and I’ll help you. But I need to know that I can rely on you to do your part and that our relationship is built on shared values and principles.” – David Maister



The foundation for good marketing: trust

Marketing done right: One firm's story

Six years ago, Rothman Gordon, a Primerus firm in Pittsburgh, Pennsylvania, was about to celebrate its 50th anniversary. The firm decided it was time to give itself a gift, in the form of a fulltime marketing director. The firm of 28 attorneys wanted to create brand awareness as a firm, rather than marketing the services of attorneys as sole practitioners, said firm CEO and managing shareholder Bill Lestitian.

After hiring Anne Parys to fill the new position, the firm created a logo, chose a consistent firm color and penned a tagline. They scrapped their old letterhead which listed individual attorneys and replaced it with one featuring the firm logo. They also developed a new website, began weekly cross-marketing meetings and developed personalized marketing plans and budgets for every attorney, including associates.

Creating a marketing culture has not only benefited the firm, but in turn, has benefited clients. With heightened brand awareness, the firm was able to recruit new lawyers, including some from the large international firms in Pittsburgh. Those attorneys brought their clients with them to Rothman Gordon, and instantly clients were receiving the same level of experience and excellent service they were accustomed to – for a dramatically lower rate.

Clients also realized the benefit of cross-marketing the services of the attorneys within the firm. Parys started weekly meetings with a representative from each of the firm's practice groups where they communicate about the issues and needs facing all of their clients. "We are able to put clients in touch with lawyers who are best suited to help them with all their legal needs," Lestitian said.

Parys credits the firm's marketing success with the attorneys' open-mindedness to her ideas. "They would listen to everything I threw at them," she said. "If a firm hires a marketing director and then

ties his or her hands and shoots down every idea, then the firm is not going to get any benefit."

Lestitian said the firm's managing committee had made a commitment that marketing was going to be a top priority. "We basically threw out 49 years of doing things one way and did it again."

And yet, with all the changes in regards to marketing, the firm remained true to its roots of personalized service and lasting client relationships. In fact, the firm used these values as the core of their brand.

Building on trusted client relationships

"We didn't sacrifice anything in terms of client relationships. If anything, we enhanced them," Lestitian said. "We have always taken great pride in our personal relationships with clients. We are big enough that we can do sophisticated legal work, but if a client wants to talk to the head of the firm, they can just call me and I will pick up the phone."

Rothman Gordon capitalized on this with its new tagline of "Just right." The expanded tagline on their website reads: "Some law firms can be too hot on the latest technology, forgetting the client relationship comes first. And some law



firms can be too cool on understanding the latest trends and issues affecting their clients. But Rothman Gordon is an approachable firm that balances new technology and knowledge with old-fashioned client service. Which makes Rothman Gordon just right.”²

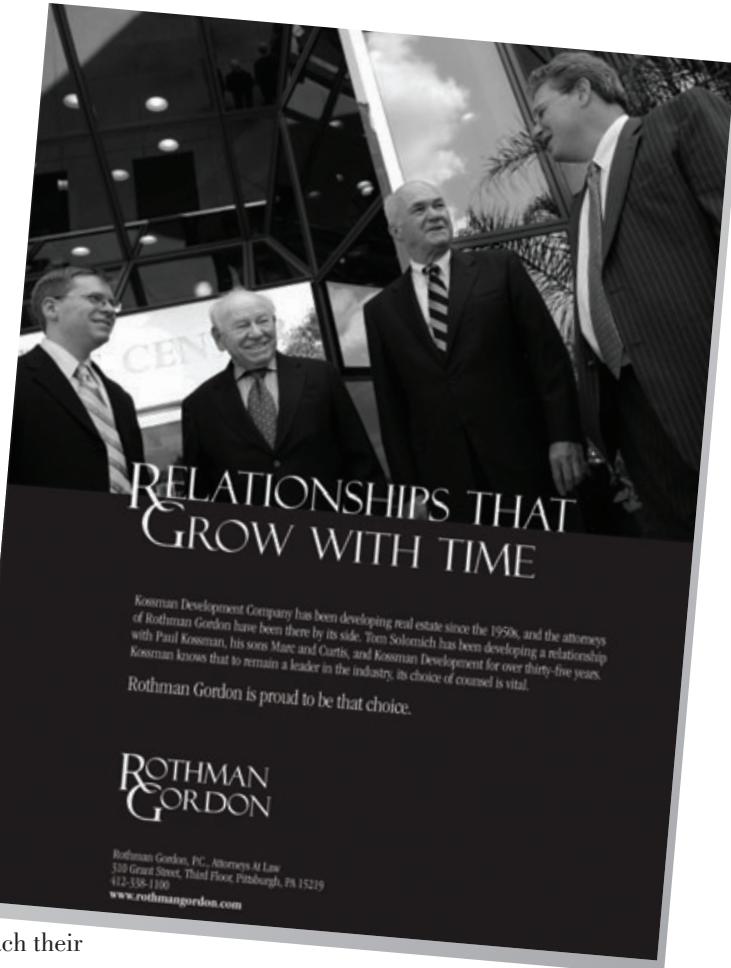
The firm also used its emphasis as trusted advisors to long-time clients as the focus of an ad campaign in the *Pittsburgh Business Times* coinciding with its 50th anniversary. (See sample ad on this page.)

Expert or trusted advisor?

In his article “Do You Really Want Relationships?”, Maister addresses the difference between a *transactional* view of clients versus a *relationship* view. (The article is an excerpt from his 2008 book *Strategy and the Fat Smoker*).³ He states that the difference between transactions

the advisor’s role is subordinate to this, not that of a prime mover.”

According to Maister’s polls of his seminar audiences about what they look for when buying professional services, 80 percent of the typical audience reports that they would prefer to hire a true advisor and would be willing to pay more for that service. When he asks the same audiences which approach their firms take, the numbers are reversed.



RELATIONSHIPS THAT GROW WITH TIME

Kosman Development Company has been developing real estate since the 1950s, and the attorneys of Rothman Gordon have been there by its side. Tom Solsnick has been developing a relationship with Paul Kosman, his sons Marc and Curtis, and Kosman Development for over thirty-five years. Kosman knows that to remain a leader in the industry, its choice of counsel is vital. Rothman Gordon is proud to be that choice.

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In fact, the firm used these values as the core of their brand.

and relationships is similar to the distinction between being an *expert* to one’s clients versus being an *advisor*:

“An expert’s job is to be right – to solve the client’s problem through the application of technical and professional skill. In order to do this, the expert takes responsibility for the work away from the client and acts as if he or she is ‘in charge’ until the project is done. The advisor behaves differently. Rather than being in the right, the advisor’s job is to be helpful, providing guidance, input, and counseling to the client’s own thought- and decision-making processes. The client retains control and responsibility at all times;

Eighty percent mostly market themselves or are perceived as experts, not trusted advisors. Many, he said, have dreams of someday becoming known as a “trusted advisor firm.”

Buchanan said this reinforces that the Primerus model represents the new paradigm today’s clients seek. “We created Primerus in 1992 based on the belief that there were lawyers out there who still believed in the honored traditions of the legal profession embodied in the Six Pillars,” Buchanan said. Since then, the alliance has grown from just a few firms and a few lawyers to more than 150 law firms and more than 2,000 lawyers.

“Embracing old values, Primerus lawyers move forward from the much

admired Six Pillars to establish new and even more important relationships with their clients,” Buchanan said. “They are not satisfied with being just a billable hour commodity provider of legal services. Instead, like the great lawyers of the past, they desire to invest at their own expense in a truly worthwhile relationship with their clients – to take the time to learn their client’s business, concerns, needs and desires – to become a true strategic partner and trusted advisor with their clients.” □

¹<http://davidmaister.com/articles/2/25/>

²<http://www.rothmangordon.com/>

³<http://davidmaister.com/articles/2/80/>

Perspective from In-House Counsel: Marketing That Works



Robert E. Muhs

Vice President, Government Affairs & Counsel
Avis Budget Group, Inc.

Robert Muhs joined the rental car industry in 1994 and currently serves as Vice President, Government Affairs & Counsel for Avis Budget Group, Inc. In this role, Bob is responsible for all federal and state government relations activities for the Avis and Budget rental car companies. He also is responsible for managing the company's commercial litigation team. Prior to joining Avis in 1994, Bob was in private practice in a small boutique law firm in Queens County, New York.

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Today, law firms are driven by a constant desire to attain new clients – and the bigger the client, the better for the firm. The question, then, is how does a law firm effectively get in the proverbial door of a potential corporate client?

While outside law firms are looking to expand their client base, in-house counsel are under increasing pressure to do more with less. The reality for many in-house lawyers is that their time is becoming more of a precious commodity – time to do their expanding jobs and in addition, to review materials from prospective firms. This means that any firm wanting to get the attention of in-house counsel must be creative in its approach.

Corporate counsel are often viewed by management as a necessary evil to protect the company, while at the same time creating an expense line that needs to be continually controlled and managed. Therefore, in the quest to "get in the door," what works and what doesn't from the in-house counsel perspective?

As technology continues to take giant leaps, in-house attorneys are continually inundated with emails from attorneys

which provide a copy of a newly filed lawsuit that they found on the local court docket. These emails, with nothing else, just clog the available computer space on our desktop and/or BlackBerry.™ It's also certainly not uncommon for corporate counsel to receive numerous emails about the same new lawsuit – or for multiple in-house counsel to receive the same email. Typically, none of these emails contains a summary of the case or an assessment of the law. Moreover, there is not a synopsis of the plaintiff's counsel or the judge assigned. This approach provides no value for in-house counsel, aside from giving a few days' advance notice of a filing. These emails will be summarily deleted.

In the absence of some demonstration that a firm has done something more than forward a docket sheet, the firm hasn't convinced any in-house counsel to retain the firm. A brief description in the old law school "IRAC" format (Issue, Rule, Application and Conclusion) certainly demonstrates an understanding of the basic nature of the case. It is also amazing how many of these solicitations come from firms which clearly do not have the requisite experience in the type of matter



involved. It is imperative that a firm's qualifications to handle a matter are spelled out clearly – with references to similar types of cases the firm has handled and their outcome. Finally, a summary of a strategic game plan is also helpful in assessing who should get the business. Consider what I as in-house counsel should know when weighing your firm with the myriad of other firms who also want the business. Show me your desire to be our partner and to work with us in resolving the matter.

When soliciting an in-house lawyer cold, with no litigation to defend, but merely to get on the panel with the hope of getting some work, come armed with alternative fee proposals. Discounted hourly rates, flat fee arrangements, and rebates to the client for paying invoices expeditiously, are all becoming more attractive to corporate lawyers trying to manage outside spending effectively. The cost of discovery, especially the steps taken to ensure Federal Rules of Civil Procedure Rule 26 compliance, has added expenses to the company which were not previously there. One firm in California

will travel anywhere within the state without billing for travel expenses. The same firm said that if a client is not happy with the quality of their work, the client doesn't have to pay their bill. Now that is an enticing approach that allows in-house counsel to control cost and portrays the firm's confidence in its work product.

In the event you see something which may cause a potential risk of litigation for a company, please take the opportunity to explain what the issue is and why you are qualified to make a recommendation. For example, if you see website language which could pose a risk for a potential client, offer recommended changes simply because it makes sense. Make sure you advise the in-house counsel why they are getting your recommendations. As corporate counsel, we need to manage two critical elements: litigation success and expense. If you make certain recommendations to limit the potential exposure, you have taken the step of helping to manage the litigation risk and therefore the associated expense.

Since I was first introduced to Primerus by members Thomas A. Brennan of Fain, Major & Brennan in Atlanta, Georgia, and Robert A. Zupkus of Zupkus

& Angell in Denver, Colorado, our company has gone from having approximately three Primerus firms on our panel to having about a dozen. In my experience, these firms have offered a very good value proposition to our company.

Knowing that a firm is committed to the Six Pillars certainly helps to foster trust in their abilities and standards. I have a good comfort level that Primerus attorneys are up-to-date on the state of laws within their jurisdictions and that they meet the highest standards of ethics and integrity.

When working with outside counsel, trust becomes a very important factor. I must know that I, or any one of Avis Budget Group's 29,000 employees who may at some point become involved in litigation, will be working with a lawyer who conveys confidence and works with us to ensure the best result possible. My employees must feel as comfortable talking to a lawyer as I do. I must have a very good feeling that an attorney could walk into the local courthouse and know the judges and clerks and court personnel, so we can make strategic decisions on the approach of a matter in a fully informed fashion.

This trust and personal relationship develops with time. When an attorney such as Primerus member Tom Brennan travels to my office on his firm's expense to meet with me and my staff to ensure his team is prepared to do the best possible job for us, it speaks volumes. It's a sign of commitment to us as their client, and it engenders the trust that is so important in the ongoing relationship between in-house counsel and outside counsel. ■

Best Practices



By Jeff Horst
Senior Litigator

Jeff Horst is a business litigator and has handled a wide variety of business related disputes in the areas of accountant liability, business torts, contracts, corporate governance, covenants not to compete, employment, entertainment, franchise, insurance coverage, intellectual property, officer and director liability, securities litigation, shareholder disputes and trade secrets.

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Client Focus: Finding Better Value With Smaller Firms

By Jeff Horst

The recession has had a profound effect on the purchase of legal services by corporate counsel. In many companies, the paradigm has shifted from using the largest firms, because that is the safe harbor option, to engaging smaller and/or boutique firms. In some instances, this is occurring because large firm partners are leaving and joining or starting smaller firms, and clients are following their lawyers. In other instances, clients are presenting unprecedented opportunities for high-quality small firms to compete for their business, precipitated by budgetary and economic constraints.

While many law firms have had to lay off highly skilled and trained lawyers, many small firms including my firm, Krevolin & Horst in Atlanta, have actually added lawyers because of increased demand from in-house lawyers. Many small firms can provide highly credentialed lawyers with relevant substantive experience on a more cost-effective basis. Here's why:

Lower associate billable rates. At Krevolin & Horst, we recently hired two lawyers who each had over eight years' experience and were on partnership track at very large, prominent firms with principal offices based in Atlanta and Washington, D.C. We reduced their hourly rates by over \$200 per hour. Same lawyers, same credentials, same quality, for a lot less money.

Lower partner billable rates. Many small firms like ours are formed by lawyers who previously were partners in large firms. Typically, once moving to a smaller firm, partners are able to reduce their hourly rates substantially. This presents a wonderful

opportunity for in-house counsel to engage partners with the substantive knowledge and experience they desire while saving money under their outside counsel budget.

No billing gimmicks. Small firms typically offer reasonable rates from the inception of the relationship. On the other hand, many large firms recently have tried to preserve client relationships by offering discounts of 5 to 25 percent. That begs the question, why were the rates so high initially? We recently won a beauty contest defending a complex trade secrets case where several large national firms decreased their quoted billing rates by about a third in 48 hours to try to win the business. Ultimately, with the substantial discounts, the large firm rates were fairly comparable to our rates, but the client engaged us because we had been straightforward from the beginning about what our rates would be and because of the lawyers with trade secrets experience who would staff the case. The client felt we would not overstaff or overwork the case to make up for the discounted rates.

Experienced partners. Small firm lawyers typically are capable of handling the entire transaction or litigation from start to finish. The transactional lawyers are familiar with all aspects of a deal as opposed to one component. They also know how to get deals closed and contracts signed without endless negotiating over minor issues. Small firm litigators typically will have more trial experience than their large firm counterparts simply because of the mix of cases.

We were recently selected over several large firms to defend the senior executive officers of a large financial institution who

had been sued in a shareholder derivative case. We were brought in two months before trial to try the case. We have trial lawyers who had corporate governance expertise, substantial trial experience and rates that were far below our competitors. Fortunately, we won a defense verdict after a seven day jury trial.

Partnering with other lawyers/firms.

Small firms tend to focus on a limited number of practice areas and handle those matters competently and efficiently. On the other hand, there are some matters which only large firms have the unique, specialized knowledge to handle. For those matters outside our area of expertise, we assist our clients by referring them to the lawyers we know are the most capable to handle the matter for the client. Rather than just getting stuck with a “guy down the hall who does that stuff” like clients sometimes get at large firms, since our only objective is to best satisfy the client’s needs, we recommend the person we believe will do the job.

Direct access to partners. Small firms emphasize personalized attention. Clients typically get the benefit of direct access to partners who, because of their experience, many times can answer a question either on the telephone or by email. Matters get handled right the first time and in less time.

Availability of alternative fee arrangements.

Small firms tend to be more entrepreneurial and have lower overhead, giving them the flexibility and willingness to be creative in fee arrangements. Those

arrangements include flat or fixed fees for a certain type of case or business transaction, hybrid arrangements of reduced hourly rates with a contingency component that provides the law firm and client a shared risk/reward platform, or a contingency arrangement which is sometimes used for business litigation.

Substantially lower overhead. This includes everything from elimination of law libraries (everything is available electronically), summer associate programs, mock court rooms (we prefer real ones) to fewer administrative staffers, less expensive office space, and lower partner and associate incomes.

No billable hour requirements for associates. At Krevolin & Horst, we have never had a formal billable hours requirement. Our belief is that an hours quota simply emphasizes number of hours over quality of the hours. If we hire responsible attorneys, they will work as hard as necessary to get the work out the door in a timely, competent manner. Artificial hour requirements simply provide an incentive for associates to spend more time on a matter than may be necessary.

No first-year associates. It has been our experience as former hiring, training and billing partners at large firms, that much, if not most, work done by first-year associates provides little client value. At Krevolin & Horst, we only hire lawyers who have either clerked for a federal judge and/or worked for a large firm for at least two years. This allows us to take advantage of the training provided by others and hire associates

better prepared to hit the ground running.

Compensation for partners and associates is tied to overall firm performance. This eliminates internal file hoarding by lawyers seeking higher compensation through higher billable hours and instead causes the work to be done by the lawyers with the most relevant skills and experience.

Thinner staffing on both transactional and litigation matters. The practical reality of small firms is that they simply don’t have the bodies to put layers of lawyers on each matter. The organizational structure is much flatter as opposed to a giant pyramid. Do you really need five layers of associates, senior associates, junior partners and senior partners reviewing and revising a brief before it goes out the door? At Krevolin & Horst, our largest litigation cases (involving eight-figure damage claims and hundreds of thousands of documents) have three lawyers. Most cases are handled by two lawyers, and some by one with minimal supervision or assistance provided by one other lawyer. The same applies to transactional matters. Most corporate or commercial real estate deals are handled by two lawyers. Work is performed by the lawyer who can do it most cost effectively whether they are a partner or an associate.

The Primerus advantage. By joining Primerus, Krevolin & Horst now has the ability to offer clients a network of highly competent, small firms who approach the business of practicing law like we do. This helps us compete against much larger firms. 

Best Practices



By Duncan Manley

Partner

A founding partner of Christian & Small, Duncan Manley's litigation practice spans over four decades. His broad experience includes the areas of business and commercial litigation, product liability, transportation and mediation. He is a registered mediator with the Alabama Center for Dispute Resolution, and he is designated legal counsel for many of his clients in various industries, including retail, insurance and transportation.

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Don't Call It Marketing, Call It Building Relationships

By Duncan Manley

I can hardly open my mail each day without getting a brochure advertising a seminar offering to teach me how to market. Many of the seminars are taught by members of mega law firms, which have marketing directors who make more money than most of us and who have large staffs and enormous marketing budgets. For them, marketing has become part of the business of practicing law.

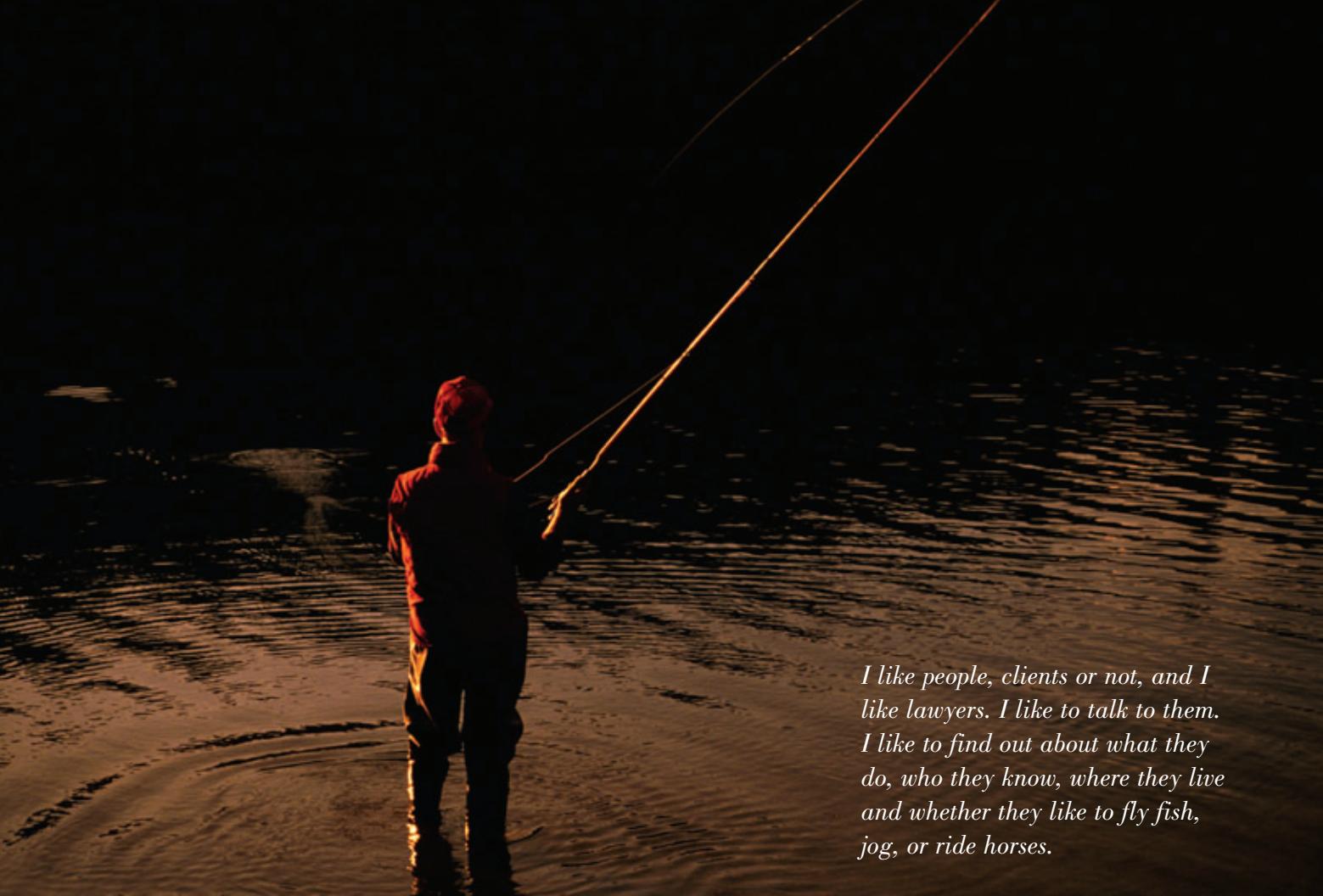
I still like to think of our life's work as a profession. I don't like the word "marketing" in the context of practicing law. It sounds unprofessional. I prefer to use the words "establishing relationships," because that is really what it is.

I have been practicing law for many years and some of my best friends are clients. Some were best friends who became clients and some were clients who became best friends. Some were people I met for the first time at a Primerus Defense Institute (PDI) Convocation. We talk and email frequently and I think they know, I sure do, that my interest in them is not dependent on our business relationship. I know and inquire about their family because I am interested in how they are doing. I call their spouse by name, because I know it, and in many instances, know them. They live in distant places ... Georgia, Pennsylvania, Iowa, Texas, Florida, Illinois, etc. If I am in their town on business or pleasure, I call

them to go to lunch or dinner if possible, otherwise just a short visit at their office. They know that I care about them, not just their business.

In the long run, we are all good lawyers, or we would not be in Primerus. There are a lot of good lawyers in every jurisdiction in the United States. In truth, many of those other lawyers are as good as we are, and their rates may be comparable. That being the case, why do your clients call you rather than them? The answer is all too obvious ... it is the relationship you have established with that client. They know that you are a **good lawyer**, they have **confidence** in your ability, they **trust** you and they know that you are genuinely concerned about them and their company.

How can you establish similar relationships with others? One way is to attend the PDI Convocation. This is a wonderful opportunity to present yourself to clients you might otherwise never meet. Clients are always looking for good lawyers, maybe not in your jurisdiction today, but someday. All of our clients who have attended the PDI Convocation know about the Six Pillars, they know us, and they have had good experiences and successes with our lawyers. They have developed that **confidence** and **trust** in us which allows them to entrust their legal matters to us. They believe we are **good lawyers**, in part, because of the successes of other Primerus lawyers.



All of us have different personalities. I like people, clients or not, and I like lawyers. I like to talk to them. I like to find out about what they do, who they know, where they live and whether they like to fly fish, jog, or ride horses.

Sometimes my wife gets upset with me because when we are eating out, I talk to our waiter almost as much as I talk to her. One time I had a client who told me I asked more questions than anyone he had ever known. There are probably a lot of others who thought that but did not tell me. I am guilty, but that is the only way to find out about people, and they know I wouldn't be asking those questions if I wasn't interested in them. I think we all want to be liked by others.

Recently, I sent a copy of a new case that is relevant to the transportation industry to a list of clients and friends.

Some of them are not my clients. That's okay. They know who I am and that I care enough about them to send something that will help them in their job. You would not believe the response I got, and not just from clients.

About four years ago, I got a telephone call from a friend, a person I had met 12 years previously. We would see each other at meetings, like Primerus, and I really did look forward to seeing him each year. He used another law firm in Birmingham but that did not interfere with our friendship. One day, out of the blue, he called me and asked if I would assume responsibility for five lawsuits that had been filed in Alabama that were in various stages of discovery. He had lost confidence in the firm he had been using and wanted us to handle those cases. I had earned his **trust** over the years and as we shared legal experiences, he thought

I like people, clients or not, and I like lawyers. I like to talk to them. I like to find out about what they do, who they know, where they live and whether they like to fly fish, jog, or ride horses.

that I was a **good lawyer**. That man has since retired but I still stay in touch with him. His replacement is now a good friend and comes to Primerus meetings.

Our PDI Convocation is our premier event. If you were unable to join us for this year's event, held in April in Scottsdale, Arizona, please plan now to join us next year. The 2011 PDI Convocation will be held April 7-10 at The Ritz-Carlton in Naples, Florida. Many of our clients come to meet lawyers in jurisdictions where they either have no lawyer or are looking to make a change. It is your chance to inspire **confidence** and **trust**. It is your opportunity to begin the process of **establishing relationships**, which, if you uphold the Six Pillars, will last a professional lifetime. **P**

Best Practices



By Robert E. Brown

Partner & CEO

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Responding to the ACC Value Challenge: An Opportunity for Primerus Firms

By Robert E. Brown

The Association of Corporate Counsel (ACC) Value Challenge is an initiative originally launched by the ACC in September 2008 to increase the value and decrease the cost of outside legal services. The ACC Value Challenge creates a framework within which outside counsel and in-house counsel can collaborate to make the delivery of legal services more efficient and more effective.

The ACC is the principal international bar association for in-house counsel. It has more than 23,000 members throughout the U.S., Canada, Europe, Asia and many other places in the world. The ACC has 49 regional chapters and its members interact to develop and disseminate policies and procedures to help in-house counsel implement cost effective risk management and dispute settlement practices both in legal controversies and in transactional matters.

Outside law firms and in-house counsel are different in a few very important ways. The most important difference is economic motivation. Outside law firms are profit centers. Their economic goal is to make a profit for their lawyers. In-house counsel is generally a cost center. Their economic goal is to minimize the cost of managing risk for the company they serve. This important difference drives behavior in ways that increases the economic tension between outside counsel and their in-house clients.

Traditionally, outside firms have often viewed the assignment of a given litigation

matter as a mandate to "win the case." This can lead to behavior on the part of the outside firm which is not cost effective. The firm may try to develop innovative legal theories and provide perfect documents without regard to the marginal value that these activities add to the resolution of the matter. In the simplest example, the legal fees and expenses involved in winning (even aside from the risks and hazards of any litigation) could push the net proceeds of a "win" below the net proceeds of an earlier settlement.

By contrast, in-house counsel seeks to minimize the aggregate cost of disposing of a controversy or managing a transactional risk. For example, in-house counsel might prefer a payment to settle a meritless case in order to minimize the total cost of the dispute and the unknown cost of bad publicity while a case is pending. The in-house attorney also is acutely aware of the hidden costs of litigation, such as the time required on the part of management to prosecute or defend the case, and the adverse effect that litigation may have on the price of the company's stock.

Quoting the California Bar Journal, the briefing package prepared in connection with the ACC Value Challenge notes that "while non-law firm costs increased by 20 percent over the past 10 years, large law firms' prices increased almost 75 percent in the same period." ACC members see this state of affairs as an incompatible disconnect between their need to drive for value and large firms traditional practices. The ACC Value

Challenge is based on the belief that large firms can greatly improve the value of what they do while reducing their costs to corporate clients and maintaining strong profitability. The Value Challenge suggests communication strategies, alternative fee arrangements and other tactics for implementing a value-based approach to dealing with large firms.

Isn't the thrust of the ACC Value Challenge tailor-made for Primerus law firms to provide value to the world's largest buyers of legal services? Our Six Pillars already include a commitment to excellent work product and reasonable fees. We have 2,000 Primerus lawyers located in 43 U.S. states and three nations. Soon, we will have Primerus firms in many additional European Union member countries.

The answer is "yes" – Primerus firms can meet the ACC Value Challenge. However, even with our widespread coverage and our commitment to excellent service and reasonable fees, there are additional hurdles that we need to jump to get the attention of in-house counsel in the world's largest companies.

First of all, Primerus firms need to become a "safe choice" for in-house counsel. The ACC Value Challenge specifically cautions in-house lawyers to "avoid 'overbuying' when selecting the law firm for the assignment by very carefully matching the quality and the cost of the law firm to the assignment." The major thrust of the Value Challenge is, however, to rely on the large firms traditionally used by in-house counsel. There are good

reasons for this. In-house counsel typically answers to people who are not lawyers and who have no good way to distinguish legal quality as among outside firms. These business managers are very good at analyzing results, however. If in-house counsel selects an outside firm and an unhappy result occurs, in-house counsel is generally in a much better position to defend their choice of counsel if they have chosen a large firm with which they have had a long-term relationship or which has a well-known and respected reputation.

Another reason that in-house counsel often avoids smaller firms is the difficulty of finding them and ranking their quality. Martindale Hubbell-like ratings are not in and of themselves very helpful, and the smaller firms do not typically have enough contact with in-house counsel to get good recommendations from in-house counsel's peers. This is true notwithstanding the fact that many Primerus lawyers have substantial large firm experience and can provide the same high quality and sophisticated services at a substantially lower price.

The ACC Value Challenge presents a challenge to Primerus to help its member firms establish a foothold within the ACC network to be recognized for their commitment to high standards and reasonable cost. Primerus has already responded to this challenge to make the value of Primerus firms known to ACC members in several ways.

First, Primerus has invested significant resources to attend ACC national meetings and to acquaint ACC members with the quality and value provided by

Primerus firms. Ruth Martin, general counsel of Primerus, has taken the lead on this initiative and Primerus lawyers Bob Brown, Sue Laluk, Mike Weinstein and others have attended the ACC national meeting and met with ACC members to bring the excellence and value of Primerus-provided legal services to the attention of ACC attendees. In addition, for several years, the Primerus Defense Institute (PDI) has invited PDI lawyers and purchasers of legal services for major national and international corporations to successful events that involve both legal education and networking opportunities. This summer on June 17-18, Primerus will host the first Primerus Business Law Institute Symposium in Chicago. (*See calendar of events on the back cover for more information.*) Primerus members and representative in-house counsel will meet to network and discuss the ACC Value Challenge as well as other timely legal issues.

You can help Primerus firms take their place with the largest firms by helping to make the quality and value of Primerus firms known to ACC members. Invite in-house counsel clients to the PDI Convocation and the Primerus Business Law Institute Symposium. Help us to build widespread knowledge among in-house counsel of the many ways Primerus firms can help fulfill the potential of the ACC Value Challenge. □

Best Practices



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Two Website Must-Do's: Get Them There, and Keep It Fresh

By Fred Dirkse and Jack Roberts

Recognizing the importance of a complementary SEO and web development firm, Peak Positions and OIC Group have worked together in a strategic alliance for over 10 years. They are currently redesigning the Primerus website.

If you're like many business owners today, you have a website, but it might not be performing to its maximum potential. Perhaps it has been victim of the "out of sight, out of mind" syndrome, or perhaps you want to take it to the next level, but do not have a clear direction on where to go.

Now more than ever, companies need to embrace the Internet, broaden their marketing approaches and shift more of their focus toward their websites and online marketing. The web is the ultimate medium for delivering your message to the consumer. The web has the ability to offer text, imagery and multi-media content, with direct call-to-actions and even immediate, live-visitor interaction. It's all trackable, quantifiable and without media-imposed time limits. Best of all, it comes with one of the most reasonable price tags of any advertising, marketing or communication medium in history.

With our belts tightened and marketing budgets streamlined, we are seeing many firms revisiting their web presence to better leverage its immense marketing and client relation potential. While there are many individual "to do's" when enhancing your existing site or developing a brand new web presence, the two basic ones are: get them there, and keep it fresh.

How to get them there

Businesses have many factors to consider in terms of marketing and advertising. Today's rapidly evolving online marketing landscape makes planning, budgeting and decision-making more difficult. The media and communications industry is changing at a rapid pace. Media consumption and media habits are also changing nearly as fast. Traditional media is collapsing as the print and broadcast mediums struggle to deliver fresh and relevant content to their shrinking audience.

As a result, traditional media is often unable to provide return on investment for advertisers. Consider these new world media facts: 70 percent of U.S. households do not subscribe to a daily newspaper, 25 percent of all U.S. homes do not have landline telephone service or access to the yellow pages, and 80 percent of all U.S. homes now have personal computers.

The days of recycling past marketing and advertising plans are over. As consideration of online marketing strategies begins, the logical first step begins with search engine optimization (SEO). Studies show that 90 percent of all new, unique users are delivered to a website by search engines.

Successful marketing of your website is dependent upon your website's ability to secure and maintain top "organic" keyword rankings on the popular keywords that best define the products, services and industries in which you compete. "Organic" or "natural" search engine results refer to non-sponsored listings – they come up "naturally," based on the quality of your site and friendliness to the search engines. Organic SEO provides more lasting value than any other form of online

marketing. The web marketing advantages of maintaining top organic keyword positions on a consistent basis are many. You do not pay the search engines to be listed in the organic results, nor do you pay on a “Pay Per Click” (PPC) basis.

In terms of local search, it is essential that your company be found early and often on the geo-modified keyword searches that most apply to your business in the markets you serve. If you are an attorney, lawyer or law firm, it is vital that your website is listed in the top 10 (page 1) of Google search results for your practice areas in the cities and states that you serve (keyword ex: Houston bankruptcy lawyer, workers’ comp attorney Texas).

High-quality organic SEO has the ability to fuel huge revenue growth and deliver a systemic change to any organization. While organic search results do not elicit a direct payout to the search engines or incur a cost per click, achieving and maintaining a quality position in the search engines takes skill, on-going effort, and often a relationship with a dependable and experienced SEO firm. It is important to outsource with a proven SEO company to manage the design, content, development and updates of your website.

How to keep it fresh

The days of getting by with a static “brochure ware” site that is rarely, if ever, updated with new information is long gone. Keeping your website fresh with new and interactive content such as video is crucial to both your organic SEO campaign, as well as user experience.

So how do you keep it fresh? As are the days of static websites gone, so too are the

days of the traditional web developer and web development process gone. Manually updating static web pages with necessary content changes or additions was an expensive and time consuming process which often involved a chain of individuals to accomplish and took days, weeks and even longer to complete.

Successful websites today are built on management platforms called Web Content Management Systems (Web CMS), which allow the website owner to quickly and easily make changes to the website using point-and-click tools. There are many flavors and variations, but all Web CMS facilitate content creation, content control, editing and essential website maintenance functions. A good CMS will accomplish these elements quickly and easily.

Implementing a CMS on your website is essential to a successful ongoing web presence. They allow users with little to no web, HTML or programming knowledge to easily, quickly and effectively manage and maintain a website. Content changes that previously took days for your web developer to complete and came with an hourly billable rate are now easily accomplished in minutes by you, the website owner.

Things to look for in a quality CMS:

License: Look for an “Open Source” licensed CMS. Open source licensed software is “free,” both in licensing cost and in usage. While every individual piece of software is different and should be judged on its own merits, as a general rule open source software offers many benefits over proprietary software, including lower total cost of ownership, more rapid feature development and

bug patches and a higher level of security.

User interface: Look for a CMS with a very easy to use interface, preferably with “in-line” editing. “In-line” editing simply means you go directly to the content you want to edit right on your website, as opposed to using a disjointed administrative back end, which requires additional training.

Search engine friendly: It is absolutely crucial that you choose a CMS that is very search engine friendly. A search engine friendly CMS is one that is designed by default to produce web pages that are received well by the search engines, and is also highly customizable in order to craft important parts of your website to accommodate SEO work.

Feature rich: Look for a CMS with modern features including video, interface with popular social networking sites, calendar of events, online event registration, posting of news, e-commerce, document management, image galleries, multi-media slideshows and dynamic form generation.

Support: Lastly, but most important, look for a CMS with a good support structure. While you may or may not pay for your CMS software itself, there are costs incurred for developing and maintaining a successful website. In order to keep your total cost of ownership low, choose an open source CMS with an active and responsive community, and/or a commercial entity offering inclusive support services. If choosing a proprietary CMS, be sure you understand exactly what is supported and what is not, and have comprehensive pricing for support contracts and non-inclusive support services. 

Best Practices



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Marketing Consultant



Amber Vincent
Marketing Consultant

Amber Vincent and Jessica Jaramillo are marketing and business development consultants with Alyn-Weiss & Associates, Inc. They help law firms and other professional service providers create and implement targeted strategic marketing and communication plans.

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Get Connected With Social Media

By Jessica Jaramillo and Amber Vincent

The email in your inbox says: "Jessica has asked you to connect to her on LinkedIn," or "Amber is now following you on Twitter," or "You have pending friend requests on Facebook."

Do you hit the delete button? Many busy professionals do. But is that the best move?

Along with Martindale Connect and JD Supra, LinkedIn, Twitter and Facebook are the social media networks now common in the practice of law. Like any emerging area of business practice, however, not everyone knows how to apply the underlying theory effectively.

What does social networking mean for you as a business professional? Should you be involved? Is it worth the time? What should you do first?

We have worked with thousands of lawyers, and hundreds of architects, engineers and accountants over the past decade and helped them harness the business development potential of social media. After getting them all online, we train them how to set up and maintain an effective online marketing presence. Our mission in this article is to educate and motivate you to get involved in an online network.

The facts

According to the Pew Center, a nonpartisan "fact tank" that conducts original research exploring the impact of the Internet's growth on society, the median age of LinkedIn users has climbed to 40. Further, our firm's own national law firm

marketing effectiveness survey shows that 9 percent of commercial, transactional and defense firm lawyers in 2009 got cases, directly or by referral, from a social networking site such as LinkedIn, Facebook or Twitter.

So the data confirms a respectable number of mature professionals are successfully using these networks as tools for business development. There are dozens of online social networking groups out there in addition to those we have listed. Which one is best for a lawyer either in private practice or in house, or an executive who gets work from other professionals?

In our experience, that's LinkedIn, www.linkedin.com. If you do nothing else (we think it's fine to ignore all of the alternatives for now), join and participate in this network. Your time commitment to get the best out of this network will be minimal – only about 15 to 20 minutes a month. Below, after giving you an overview of this network, we will explain how to get started and how to determine who you know that is already on LinkedIn, so you can get comfortable, make some friends and get the system working for you right away.

Getting to know LinkedIn

LinkedIn is an interconnected network of experienced professionals formed in May 2003. Currently there are more than 60 million LinkedIn members around the world with 150 industries represented and 200 countries participating in this

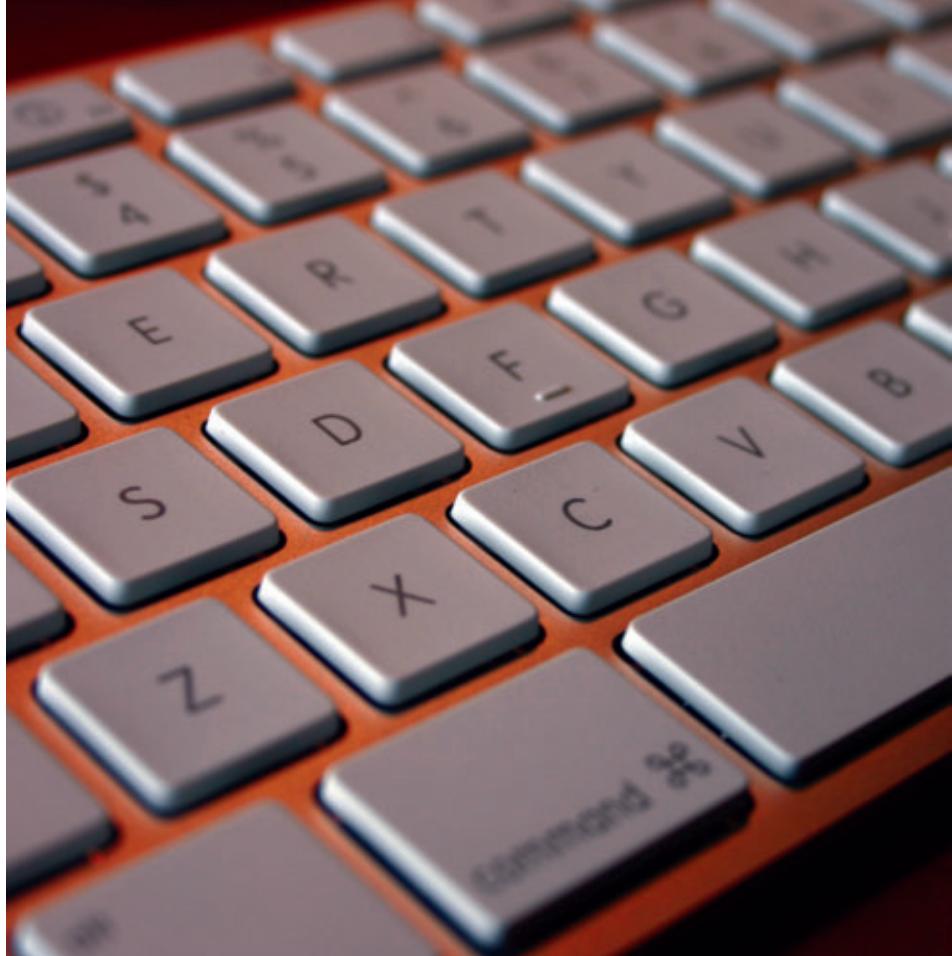
24/7 networking experience. It is estimated that a new member joins LinkedIn every second. Of those, more than 500,000 are attorneys/lawyers.

LinkedIn is an opportunity for constant visibility. Since visibility and frequency of contact are the greatest challenges to any professional's personal business development, LinkedIn will reduce the time you need to spend personally networking. LinkedIn lets you get the word out and subtly promote what you do 24/7. Your profile is searchable. More importantly it has a feature that lets you send pithy (no more than 140 characters in length) updates about your activities to everyone to whom you are connected by the service.

"Preparing for an NLRB hearing next week about a client's recent RIF," one employment lawyer recently wrote as his update. Perfect. "Just funded a private placement for an ethanol plant," wrote another. Those are good examples of how to write an effective update.

Everyone in your network and anyone able to see your profile will see and watch for your posted updates like these. They're essential if you want LinkedIn to work for you. Every two weeks, your updates will be sent in an email to everyone to whom you are connected on LinkedIn. Consider it your personal newsletter.

You also have the ability to upload your email contact database from Outlook into LinkedIn. This allows you to pick and choose everyone you would like to include in your LinkedIn network, and see who is



already involved in LinkedIn. If your email addresses are not on v-cards in Outlook itself as Contacts, but instead are stored in the auto-address function, this will be a bit more difficult but not impossible. You'll need to buy data-mining software for about \$30 that downloads those addresses to your Contacts in Outlook and then upload those addresses to LinkedIn. This is not as hard as it sounds – your IT person (or teen-age daughter) can do it for you.

Another crucial element to LinkedIn's network is to give recommendations, and to ask for recommendations from those with whom you have worked. Some embrace this aspect of the service enthusiastically, others do not. It's up to you.

LinkedIn gives its members a chance to join groups, too. For example, we have an attorney who is a former JAG. He's joined the LinkedIn JAG group last spring. He got a referral from another JAG from a neighboring state late last year. There are thousands of groups on LinkedIn. Search for them in the Groups

area. Don't forget to join those created by your alma mater.

Other social networks

What about Twitter and Facebook? The former is time-consuming and does not fit, in our opinion, into the style and demeanor of marketing for most business, transactional and defense lawyers. We struggle with how it can be effectively employed even for consumer practices. Facebook is about friends, and trying to make it work in a commercial sense, we think, is inappropriate. We do think that having a firm Facebook page, showing firm functions and delineating community activity and pro bono work, is a great way to show people your value and culture.

All in all, the world of online marketing is here to stay and social networking is a crucial component to maintaining frequency to contacts. Please contact us for training seminars we offer in various states. ■

Best Practices



Claudia N. Oltean

Claudia N. Oltean is a recognized leader in marketing, training and business development. She is a partner and co-founder of LegalPR, a public relations firm that represents lawyers and their clients in their interactions with the court of public opinion. Primerus recently partnered with LegalPR as the preferred provider of public relations services for our Plaintiff Consumer member firms. LegalPR services will be provided to Primerus members at a discounted rate of 25 percent.

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Media Skills: Part of the Practice

By Claudia N. Oltean

This article is excerpted from Chapter 1 of the book *Media Skills: The Lawyer As Spokesperson* by Roger J. Dodd and Claudia N. Oltean, published by Lexis Nexis.

Readers of *The Primerus Paradigm* who wish to purchase the book and DVD will receive a 20 percent discount. To order, visit www.mediaskillsbook.com and click on "Order the book and DVD." Enter the code PAD20 to receive the discount.

For attorneys across the legal spectrum, the practice of law, now more than ever, requires the ability to effectively represent and defend clients' rights in the media as well as through the law. In today's world, information is instant and everywhere. It is presented seamlessly on-demand, in 24/7 real-time across the globe. Two electronic technologies are at the root of this development: cable/satellite TV and the Internet. The "supersonic-like" speed and global reach of cable and satellite TV are seen in the transmissions of round-the-clock, all-news networks like CNN, Fox News and MSNBC.

Elephant in the room: the Internet

The rise of the Internet has done all that cable/satellite TV has, and much more, to spark a steady stream of legal news stories. The Internet has changed everything. It has given birth to explosive panoply of news and public opinion "channels." To get current on what is happening, you can surf a dizzying assort-

ment of sites, including web stories taken from national or local TV stations or web-feeds from the newswire services.

It is more and more common for clients to place their cases front and center on "YouTube," "My Space" and "Facebook" pages, which contain news items. **Let this example be a word of caution to attorneys:** If you are speaking with a prospective new client, ask them if they have been commenting on their situation or case on any Internet sites, including such social networking sites as "My Space" and "Facebook." Do some back-up research, as needed, to be certain you are apprised of any potentially damaging Internet stories, audio or video clips starring your client. Review the web pages clients have posted and counsel them to remove immediately anything damaging or discoverable from the Internet.

We are now experiencing what has been characterized as the "chatter of millions." All of this adds up to a heightened definition and potency for "word of mouth" – the person-to-person information exchange many attorneys have traditionally relied on as a source for recommendations and referrals to new clients. While this remains an acceptable channel for getting new cases, the stakes have become exponentially higher with the advent of electronic "word of mouth."

On the positive side, recommendations and referrals may come from new and unexpected sources, from web-based communications (such as blogs and email). Internet power and pervasiveness can assist a law firm to rise above the

“noise level” of advertising. On the other hand, the virtual and viral spread of any damaging “word of mouth” may create a negative image in the eyes of potential clients – one that is very hard to reverse.

Practice in the court of public opinion

It is said that what happens in the law reflects the current state of society. While that may be true, electronic news and public opinion has an incalculable influence on how society and culture is shaped. What is reported on and written about – *how* this information is presented – permeates our collective consciousness. This includes prevailing values, perspectives, concerns, and biases – overall, how people think, and *what they think is right and fair*.

The embodiment and expression of these views and internally held beliefs is known as the Court of Public Opinion. The media are largely its gatekeepers. For attorneys and judges, this playing field can purvey as much impact on clients as a court of law.

Media exposure affects how opposing counsel, prosecutors and juries view a corporate or individual client’s position or guilt/innocence. Positive, accurate reporting in the press can be either a powerful weapon or a terrible wound in the course of legal proceedings.

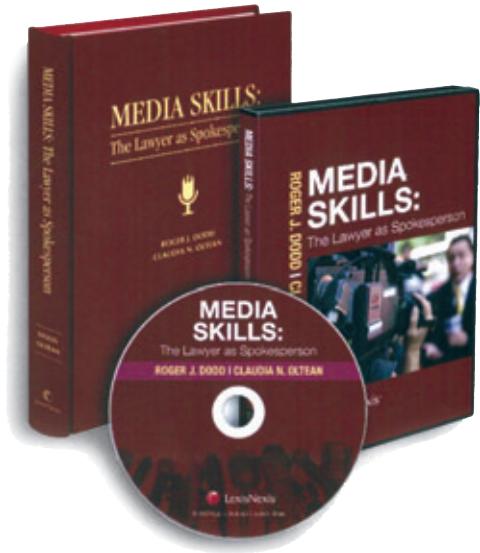
For this reason, it is important for attorneys across practice areas to understand the potential scale and import of being drawn into the Court of Public

Opinion through media coverage. Already inherent in your legal work is winning against all opponents; winning in the Court of Public Opinion is also an integral part of doing good legal work.

The need to be prepared for effective interactions with the media on behalf of clients is real and relevant to both sole practitioners and large corporate law partnerships. This includes being able to anticipate and defuse negative press with effective messaging, and to smoothly lob back the arrows shot during any unavoidable media firestorm.

Attorneys with cases of potential interest to the media should develop effective litigation communications strategies. Even if you do not wish to instigate news related to a high-profile/high-stakes case, the other side may choose to take it public at any time (without forewarning you). The media may just decide the case warrants coverage without either side courting the coverage. You and your client will be well served by planning against that eventuality. If the case/situation is controversial or complex, you may want to consider working closely with internal/external PR specialists – *as far ahead of the press posse as possible*. Planning and preparation are effective precursors to media attention. Immediate responsiveness, cooperation and situation-appropriate

access to clients and materials become the order of the day when the phone begins to ring with calls from reporters. Planning and preparation are the steps that add up to a win in the Court of Public Opinion.



Cases won in a court of law while being lost in the parallel universe of public opinion are quite likely to find their legal outcome discredited or at least overshadowed, with clients suffering devastating effects on their reputations, lives, families and future.

Media interaction: Opportunity or loss?

More than ever before, the law should not consider itself insulated from media interest, scrutiny and reporting. Being in the news can be beneficial for your client; for attorneys it may, as a by-product, prove a powerful attractor for new referrals and direct clients. Or, it can be a stick of dynamite that is thrown in your lap or your clients lap. All of that is within your control. Media interaction will be either an opportunity or a loss, depending on your approach to it and your skill in handling interviews.

The first step on the road to proficiency as a media spokesperson is accepting and embracing the role as an integral part of practicing law. This means representing your cases in the media – perhaps proactively, depending on what is best for the client in an individual circumstance. 

Best Practices



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Partner



Bradley C. Nahrstadt
Partner

C. Barry Montgomery and Bradley Nahrstadt are partners at Williams Montgomery & John Ltd. Barry is a trial attorney with over 150 jury trials to verdict in state and federal courts. His areas of special concentration include complex commercial litigation, class action litigation, construction litigation, product liability and professional liability litigation. Bradley focuses his practice on the defense of high stakes products liability, premises liability, insurance coverage and bad faith and commercial claims. Bradley is currently serving as vice-chairman of the Primerus Defense Institute.

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The Four Cardinal Rules of Generating Business

By C. Barry Montgomery and Bradley C. Nahrstadt

Here are four cardinal rules to mastering the art of legal marketing: develop a reputation as an excellent lawyer, develop relationships, ask for the business and be persistent.

1. Develop a reputation as an excellent lawyer.

There is no more important rule in legal marketing than to develop a reputation as an excellent lawyer. You have to make a name for yourself. You must raise your profile. Clients must perceive your expertise before you are hired. To paraphrase Lord Chesterfield, the acclaimed British statesman, "... a good reputation ... gets before people wherever they go."

Developing a reputation as an excellent lawyer means that you have to hone your skills. Identify an area of law you like to practice in and in which you feel you can excel. Take the hard cases and use your intelligence, passion and dedication to obtain a great result.

Then, you must actively show the legal community the skills you have mastered. Write articles about your practice area. Contribute to online journals or industry publications and highlight your expertise. Seek out and obtain opportunities to speak. Develop your own blog to showcase your knowledge and talents. Have your firm send news of your legal victories to local legal publications. Cultivate relationships with those who author the "People in the News" columns in state and local legal magazines. Post your

speeches, articles and major news items on your firm web site.

Part of developing your reputation as an excellent lawyer means constantly improving your ability. Keep abreast of legal developments. Attend programs that are designed to enhance your trial skills, such as those sponsored by the National Institute for Trial Advocacy and other groups. Take advantage of continuing legal education programs to develop your knowledge of the law, technology and state and federal rules applicable to your practice.

This principle is at the heart of the Six Pillars, which call all Primerus lawyers to the values of integrity, excellent work product, reasonable fees, continuing legal education, civility and community service. By committing to these values every day, your reputation as an excellent lawyer no doubt will follow.

2. Develop relationships.

Once you develop your reputation as an excellent lawyer, you must develop relationships so people can get to know you. You can be the best lawyer in the world; however, if no one knows that fact, you will not be able to turn your expertise into helping more clients.

Go to where opportunities for new relationships exist. Join a club or civic organization. Actively participate in church and school activities. Entertain at lunches and dinners. Don't just attend your son or daughter's soccer game. Talk to the other parents. Allow people to get to know you and what you do.

When it comes to developing business from existing clients, ask to tag along with senior partners when they meet with clients. Be introduced to clients to have them know who you are. Cross-sell your firm and its lawyers. Let clients know all the areas of your practice.

Seek out leadership positions in legal groups such as the American Bar Association, state bar associations, the DRI, or the American Association for Justice and actively participate in the business of those groups. Join organizations that foster relationships and collegiality between members of the bar, such as the American Inns of Court or the American Judicature Society.

3. Ask for the business.

It is not enough for a lawyer to develop his reputation and get exposure to those individuals who can provide him with business. *You have to ask for the business.* If you don't ask for the business, you likely will not receive it.

In order to be in a position to ask for business, you need to understand prospective clients' needs and understand your firm's capabilities to meet those needs. Then explain those capabilities to prospective clients and ask for the opportunity to help.

How will you know and understand prospective clients' needs? Do some homework. Read company materials, visit corporate web sites, peruse media coverage, talk to others in the industry.

Learn as much as you can about companies, the legal issues they face and the individuals responsible for assigning legal business. Track matters involving other companies or clients in the same line of business or industry. Attend seminars or open houses sponsored by the prospective client. If possible, join a trade, industry or professional association that the prospective client belongs to. Talk to other professionals who serve in the same industry.

Once you identify prospective clients' needs, you must determine if you or your firm can be of assistance. You must position yourself as the person and the firm that can meet prospective clients' legal needs. You must be able to speak knowledgably to such clients about the cases your firm has handled, the matters that have been resolved, the results that have been obtained and your firm's industry expertise.

After the areas of need have been identified and you have determined that your firm can be of assistance, ask for the business. Call the prospective client, discuss the area(s) of need and explain how you, and/or your firm, can help meet that need. Then, ask for the business directly.

4. Be persistent.

"If at first you don't succeed, try, try again." Enough said. □



Best Practices



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The International Law Firm: A Global Marketing Approach

By Sumeet H. Chugani and Margaret Perez

U.S. lawyers are no longer tethered to one jurisdiction. The practice of law has truly become international. A real-estate lawyer in Florida may be asked to advise a Chinese investor regarding potential investment opportunities in South Florida. Lawyers in Chicago may be retained to negotiate the acquisition of a privately held company in Bogota, Colombia.

Counsel in Iowa may be asked to review a series of forum selection clauses in their international distribution agreements and advise as to the merits of arbitrating potential disputes before the London Court of International Arbitration or through the Stockholm Chamber of Commerce.

Law firms must be ready to advise clients entering the global marketplace – which is now open to more than just large-cap companies. Today, even the smallest business owner may find him or herself involved in complex negotiations with potential partners, investors, and customers around the world. To stay competitive, U.S. law firms, large and small alike, must be prepared to “go global.”

In a recent article, David Van Zandt, Dean of Northwestern University’s School of Law, acknowledged the effect of the global marketplace on legal education.¹ Today, students at Northwestern are taught that the ability to negotiate against different cultural backdrops and offer advice on the intricacies of foreign law is critical to successfully representing clients. At a bare minimum, the 21st century lawyer must have some basic

knowledge of one or more languages, along with an appreciation for the manner in which business is conducted around the world. Although these new market realities will require attorneys to change the way they practice law, they also bring new opportunities. Now that the door is open to the world, we offer the following advice for thriving in a global legal marketplace.

At the outset of entering the international market, a law firm must decide whether to practice “globally” from a domestic locale or enter a foreign jurisdiction through a branch office or joint venture. As marketing strategies and law firm alliances like Primerus shift toward an international model, it becomes possible to practice international law from one location. Law firms that seek to expand their global footprint, however, may be forced to take the necessary steps to open in a foreign locale.

Law firms opting to develop an international reach through foreign offices must be cautious of the risks involved and take necessary steps to avoid them. Location is just one of the many factors that must be considered.

A “global” law firm does not require having offices in all of the world’s financial capitals. Although there are many advantages to having a bricks and mortar presence in key cities around the world, the fact remains that an office in China or Dubai is not a precondition to building a global practice. Today, many law firms enter into working relationships – including non-exclusive cooperation agreements and more traditional joint ventures – to provide their clients with legal support in key markets.

Notably, organizations like Primerus offer their members the ability to join forces with law firms around the world to provide clients with global legal services without having to take on the perils of physically venturing abroad. Primerus has members in the United States, as well as Canada, Europe, and Mexico.

Regardless of whether a U.S.-based law firm decides to team up with a foreign law firm, open up a branch office, or simply build an “international” caseload, it must carefully plan its strategy by studying each potential foreign market. If a firm chooses to enter a locale through a joint venture, members of the firm should travel to the jurisdiction and spend several days with potential law firms to become familiar with their working style and client base. In addition, a U.S. law firm must ensure that the quality of the services offered abroad, whether through a partnership or by opening another office, will be comparable to that of the home base.

If a law firm simply takes on “international cases” without entering a foreign jurisdiction, Primerus can fulfill foreign aspirations without the legwork of finding a reputable foreign firm as a partner. The stringent pre-screening of its member law firms and strict admissions standards ensures that a partnering Primerus firm will submit to a high standard of quality. All Primerus firms are required to have the maximum Martindale-Hubbell rating of AV and must submit an evaluation

completed by a number of parties, including clients and malpractice insurance carriers. Furthermore, all firms that become members of the Primerus network must uphold the Six Pillars: Integrity, Excellent Work Product, Reasonable Fees, Continuing Legal Education, Civility and Community Service. All of these aspects of Primerus firms ensures that a partnership with a Primerus member will provide international clients with top-notch legal services.

No matter how a law firm chooses to practice internationally – whether from a domestic locale or through foreign offices – knowledge of local customs is exceedingly important. In China, for example, business cards are exchanged with two hands, with a moment or two spent studying the card before putting it away. The work week in Dubai runs from Sunday to Thursday, and most meetings begin with tea or coffee, and a discussion about each other’s family, health, etc. In Latin America, a great deal of business is done over meals that can take several hours. Business may or may not be discussed during these meals, but an aspiring international lawyer cannot lose sight of the fact that his or her foreign counterpart will be assessing the compatibility of the two parties. The same holds true in China, where business lunches and dinners follow a very organized pattern, from seating arrangements, to toasts.

Primerus member firms can reap immeasurable benefits from a foreign member firms’ local knowledge. Overseas Primerus firms can provide their U.S. counterparts with useful information on the intricacies of foreign practice, including

cultural customs and typical business practices in the relevant jurisdiction.

The decision to market on an international scale can be complex. International markets offer opportunity, but can be risky for the uninitiated. Just as clients worry about security and political and economic stability, so should their counsel. Whether marketing a new office in Shanghai or entering a referral relationship with a Canadian-based Primerus member, the new global firm must tailor its marketing strategy to meet the needs of international business.

The best forms of marketing, however, will differ by jurisdiction. Some regions may be more receptive to electronic media while others require more in-person contact. All marketing, regardless of the country, should focus on the following three aspects of a law firm: an understanding of domestic law, an appreciation of the local culture, and an ability to adapt to the local business environment. Entrance into a foreign jurisdiction is not always the most cost-effective or opportune way to expand a firm’s business. Primerus, as a strong coalition of foreign law firms, still gives an internationally aspiring firm the ability to market on the global level.

In the ever-increasing global marketplace, the expansion of a law firm is inevitable. Choosing the proper marketing technique to reach a law firm’s objectives will pay off tremendously. P

¹David E. Van Zandt, Client-Ready Law Graduates, LITIGATION, Vol. 36, Number 1, Fall 2009, 11.

Best Practices



Cheryl L. Black

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Court Relief Is Not Enough: Diligent Trademark Management Best Defense Against Fraud

by Cheryl L. Black

Why does it take a crisis to get our attention and to make us do what we already know to do?

In the world of trademarks, the crisis that grabbed the attention of trademark owners was the rise of fraud attacks. A successful claim of fraud in procurement is the death of a trademark registration. But with so few fraud claims raised and the standard for finding fraud high, it was not a matter of concern, at least not until 2003. In that year, a decision by the Trademark Trial and Appeal Board (“the Board”) lowered the standard for a finding of fraud and sparked a rash of fraud attacks in trademark cases.

In *Medinol Ltd. v. Neuro Vasx Inc.*, Neuro Vasx Inc. (“the petitioner”) filed a petition to cancel U.S. Registration No. 2,377,883 for the mark NEUROVASK used on “medical devices, namely, neurological stents and catheters.”¹ The petitioner alleged that Medinol Ltd. (“the respondent”) had not used the mark in connection with stents when it filed its statement of use nor anytime thereafter. The petitioner claimed that the respondent fraudulently procured the registration by knowingly submitting fraudulent statements “with the intent to induce authorized agents of the [US]PTO to grant said registration.”² In response to the petitioner’s allegations, the respondent filed, *inter alia*, a motion to amend the registration to delete “stents” from the identification of goods.³ The petitioner objected to the proposed amendment

claiming that the fraudulent statement tainted the entire registration and that curing the misstatement by merely deleting the goods would be of no consequence to the registrant.

The Board agreed with the petitioner. The Board, citing *Torres v. Cantine Torresella S.r.l.*, ruled that “a trademark applicant commits fraud in procuring a registration when it makes material representations of fact in its declaration which it knows or should know to be false or misleading.”⁴ Although the Board accepted the respondent’s explanation that the inclusion of “stents” in the statement of use was inadvertent, it rejected the argument that an amendment deleting the goods obviated any finding of fraud. The Board determined that the element of intent to deceive is not based on “the registrant’s subjective intent but rather... the objective manifestation of that intent.”⁵ The Board, in granting summary judgment to the petitioner, ruled that the inadvertence did not “undercut the conclusion that respondent *knew or should have known* that its statement of use was materially incorrect,” and that “[r]espondent’s knowledge that its mark was not in use on stents – or its reckless disregard for the truth – is all that is required to establish intent to commit fraud in the procurement of a registration.”⁶

Without the element of deceptive intent, or rather with intent to commit fraud inferred from the fact that an application, registration or supporting

ent Is The Attacks



allegation of use contains (1) a false representation (2) of material fact (3) that registrant knew or should have known was false, finding fraud became an easy way to cancel registrations. Thus, it was not only advantageous for third parties to raise fraud as a claim or defense in a trademark dispute, it was expected.

In the line of cases that followed *Medinol*, the Board sustained oppositions and granted petitions to cancel registrations where at least one product or service for which the mark was not in use was listed in an application,⁷ where registrants misrepresented the goods in a statement

of use,⁸ and where registrants falsely asserted claims of continued use in declarations of use.⁹ Once the moving party made a showing of material misrepresentation, a registrant was without recourse. The Board rejected amendments attempting to correct the misrepresentation and arguments that such amendments cured the fraud.¹⁰

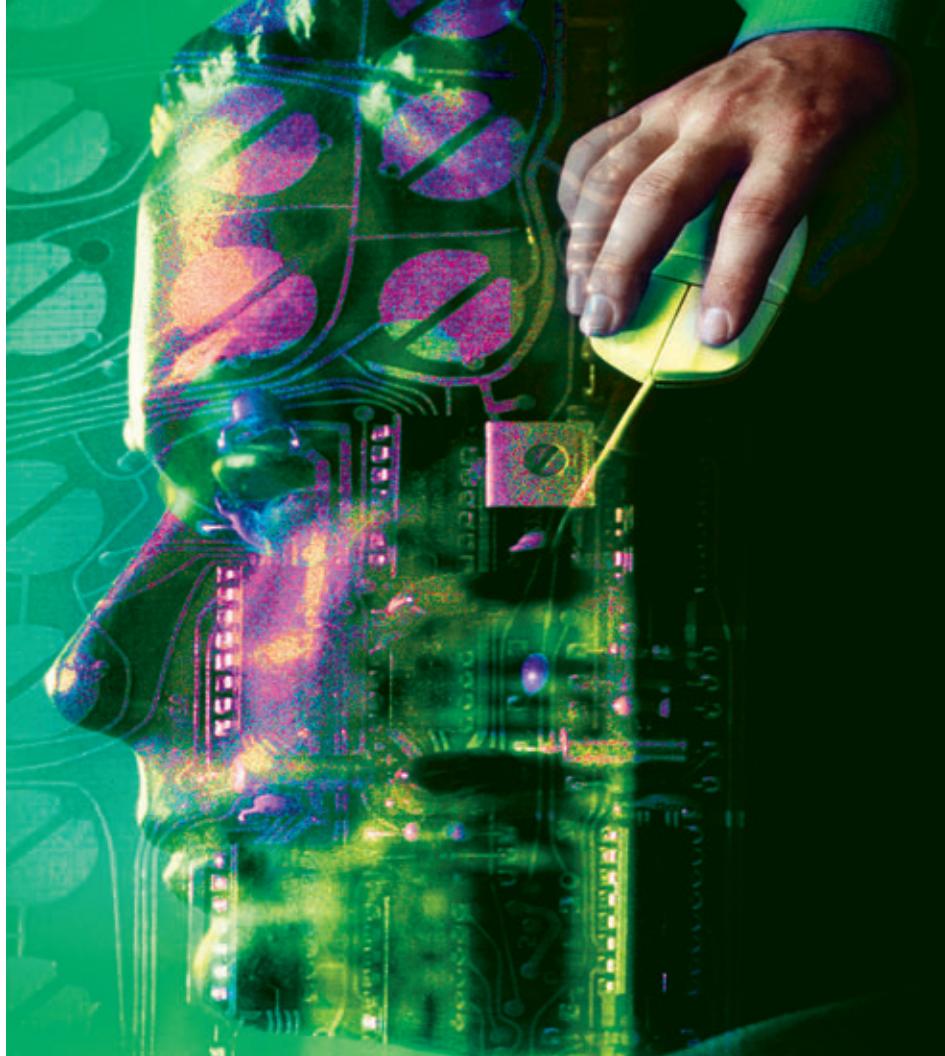
With no foreseeable change in the law, trademark owners were forced to take precautionary measures to safeguard their registrations. Fraud audits (“fraudits”) emerged as a method of evaluating claims of use and bona fide intent of use. The approach taken by trademark practitioners

conducting audits of trademark portfolios varied. Generally, trademark owners were advised to produce physical evidence (1) to demonstrate that the mark was in use in commerce on the products and services identified on the application or registration and (2) to support the dates of use claims. If the trademark owner could not produce the evidence to support ongoing bona fide commercial use from as early as the dates asserted in the registration, counsel would determine if the misrepresentation could be cured by amendment or if it required the filing of a new application.

Whether or not one approves of the Board's handling of *Medinol*, one can agree that it raised the consciousness of trademark owners and practitioners that prosecuting and maintaining trademark registrations required a more diligent assessment and accuracy in claiming use of the mark. That outcome benefits everyone.

In 2009, the United States Court of Appeals for the Federal Circuit ("the Court") finally brought relief to trademark owners with a decision that essentially eviscerated the Board's lenient standard for a finding of fraud in *Medinol*. In *In re Bose Corp.*, the Court reversed the Board's holding that Bose committed fraud on the USPTO when it claimed use on all the goods in the registration in its combined declaration of continued use and renewal application ("Section 8/9 renewal"), even though Bose knew that it was no longer manufacturing or selling some of the goods.¹¹

The Court, in rejecting the *Medinol* standard for fraud relied upon by the Board, explained that "[b]y equating "should have known" of the falsity with a subjective intent, the Board erroneously lowered the fraud standard to a simple negligence standard."¹² The Court reasoned that while subjective intent to deceive is difficult to prove it is nevertheless an indispensable element in the finding of fraud and though deceptive intent may be inferred by indirect and circumstantial evidence it must be clear and convincing.¹³ Thus, the Court held that "a trademark is obtained fraudulently under the Lanham Act only if the applicant or registrant knowingly makes a false, material representation with the intent to deceive the [US]PTO."¹⁴



The *In re Bose* decision has seemingly curtailed fraud attacks, or at least the cancellation of trademark registrations based on a claim of fraud. However *In re Bose* will not fully immunize trademark registrations from fraud attacks. Trademark owners should not dispense with preventive measures. Trademark counsel should be involved in evaluating use in commerce for statutory compliance during every stage of the registration and post-registration processes, as well as in assessing whether preliminary activities rise to the level of bona fide intent to use for intent-to-use applications.

Some relief from a court decision is not enough to replace a wise and prudent course of action that includes the diligent management of trademark portfolios, including frauds, for the safeguarding of trademark registrations against any possible future attack. ■

¹¹67 USPQ2d 1205 (TTAB 2003).

¹²Medinol, 67 USPQ2d at 1206.

¹³Id. At 1207.

¹⁴808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986); Id. at 1209.

¹⁵Medinol, 67 USPQ2d at 1209.

¹⁶Id. at 1210. (Emphasis added).

⁷Hurley International LLC v. Volta, 82 USPQ2d 1339 (T.T.A.B. 2007); Standard Knitting, Ltd. v. Toyota Jidoshsha Kabushiki Kaisha, 77 USPQ2d 1917, 1927 (T.T.A.B. 2006).

⁸Standard Knitting, 77 USPQ2d at 1927; J.E.M. International, Inc. v. Happy Rompers Creation Corp., 74 USPQ2d 1526 (T.T.A.B. 2005)(not precedential).

⁹Jimlar Corp. v. Montrexport S.P.A., Cancellation No. 92032471, slip. op. at 18 (T.T.A.B. June 4, 2004).

¹⁰J.E.M. International, Inc., 74 USPQ2d at 1530; Jimlar, Cancellation No. 92032471, slip. op. at 18.

¹¹580 F.3d 1240 (Fed. Cir. 2009)

¹²In re Bose, at 1244.

¹³Id. at 1245.

¹⁴Id. at 1245.

Community Service Spotlight

Shooting Hoops for a Special Cause

Scott Lane cannot say enough good things about his nephew, Eric William Feinberg.

Eric, who was born with cerebral palsy and died three years ago at the age of 21, could not write, speak or walk, and yet he graduated from high school with honors. He testified via computer to the U.S. Congress on behalf of children with special needs. He received many awards for courage. He even was on *The Oprah Show*.

"Eric was an amazing person," said Lane, an attorney with Primerus firm Lane

to become a Bar Mitzvah, the family decided to combine those two loves and host the First Annual "Smoke's Sunday Shootout" – a basketball clinic for boys and girls in fourth through sixth grade. All proceeds benefited the Eric William Feinberg Scholarship Fund, which provides scholarships for special needs children to attend camps through Keshet. Founded in 1982, Keshet is a non-profit organization that provides educational, recreational and vocational programs for

Joey Lane run the clinic and donated their facility to host the event. Many of the players from the high school varsity basketball team in Deerfield, Illinois, attended and signed autographs for the participants. Deerfield High School's team is one of the best in the state, and its players are like "movie stars" to local kids, Lane said.

Lane's relationship with his nephew, Eric, has impacted his work as an attorney. "I was very close to Eric," he

"Eric was an amazing person," said Lane. "Two of the things he loved most were basketball and going to summer camp with other kids."

& Lane, L.L.C. in Chicago. "Two of the things he loved most were basketball and going to summer camp with other kids."

So when Lane's 13-year-old son, Joey (whose nickname is "Smoke"), was about

children and young adults with special needs.

More than 65 children attended the event, which raised more than \$7,000. Coaches from a local travel basketball team called Full Package Athletics helped

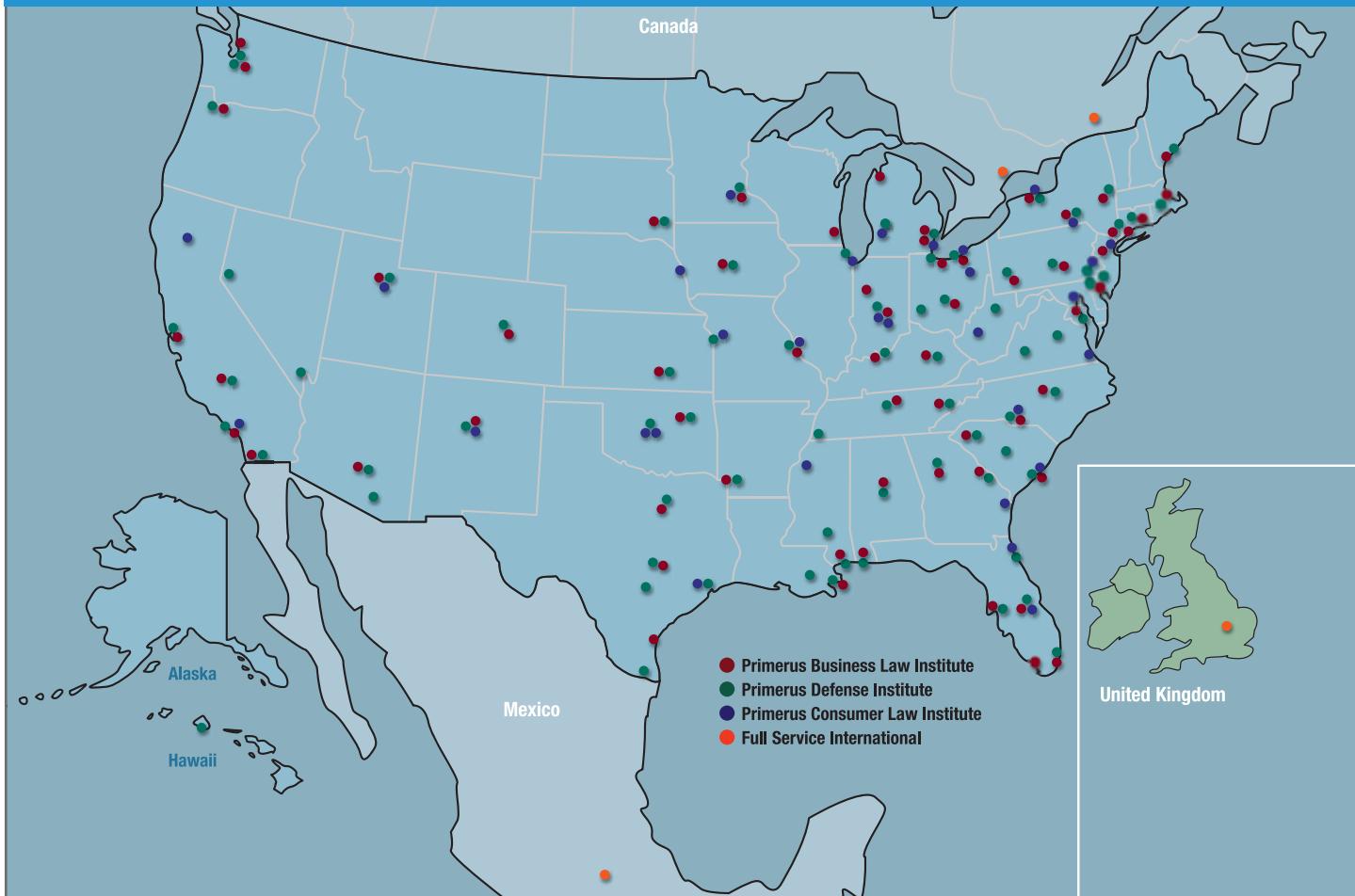
said. "Family is very important to us, and kids with special needs have a special place in our hearts."

"It's so important to give back to the community," Lane said. "We at Lane & Lane take very seriously our role as personal injury attorneys representing seriously injured people, especially children. One of the reasons we do what we do is to make their lives easier. Whether we are at work or living our everyday lives, we try to help them in any way we can. This fundraiser was one small way to try to make a difference." □



Scott Lane with his wife Nancy, and children, Joey and Hannah, and the Deerfield High School Basketball Team.

2010 Member Listing – International Society of Primerus Law Firms



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Primerus Business Law Institute

Michael R. Weinstein

PBLI Chair

The Primerus Business Law Institute started the first quarter of 2010 with a bang!

On January 12, 2010, more than 16 firms and 23 attorneys kicked off the year with the PBLI Winter Meeting at the brand new ARIA Resort and Casino in Las Vegas. Those present took advantage of the opportunity to network with other PBLI members and to be updated regarding all of our ongoing initiatives, including but not limited to the progress of the specialty practice groups and our efforts to make further inroads with the Association of Corporate Counsel. In addition, input was solicited from members regarding the planning of our inaugural Primerus Business Law Institute Symposium.

During the first quarter, our practice groups – Bankruptcy, Commercial Law (including the Liquidation of Commercial Debt practice group) Intellectual Property, Labor and Employment and Real Estate – have convened on a monthly basis and continued to develop and mature. Both the “Disability Discrimination” webinar presented by the Labor and Employment group on March 2 and the “Doing Business with Chapter 11 Debtors”

webinar on March 14 were a great success, with substantial participation by both member attorneys as well as non-member attorneys and companies to whom the webinars were marketed. Gratitude is due to all the presenters and to Primerus staff for contributing to the success of the webinars, both as an educational tool and an opportunity to demonstrate to our clients and potential clients the depth of quality and experience offered by Primerus firms throughout the country and internationally.

As for upcoming events, on May 23-25 in Las Vegas, Clare Abel, along with 13 lawyers from the Real Estate practice group she co-chairs, Chad Sluss and Erica Kusmierz, will be “manning” the Primerus exhibit at the annual convention of the International Council of Shopping Centers. The conference draws 30,000 attendees from among its membership of shopping centers, franchisees and retail businesses. We look forward to the success of this endeavor.

Finally, we are marching on towards our inaugural Primerus Business Law Institute (PBLI) Symposium, scheduled for June 17-18 in Chicago. The Symposium will present each of us with a tremendous opportunity to demonstrate to existing

and potential clients the value provided by the Primerus alliance. With the appropriate effort and commitment from all of you, I have no doubt that the Symposium will be a great success for our clients, our firms and Primerus. Leverage this opportunity by registering to participate and redouble your efforts to invite suitable clients (the criteria is whether the person has hiring authority) to what promises to be a fantastic event!

Let's capitalize on the inertia of the first quarter. This requires your active participation in PBLI events and initiatives in order to enhance the value and marketability of Primerus for the benefit of each of our PBLI firms.

A handwritten signature in cursive script that reads "Michael R. Weinstein".

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Primerus Defense Institute

Hugh McCabe

PDI Chair



I would like to thank all the members and clients who attended the 2010 Primerus Defense Institute Convocation, held April 22-25 at The Boulders Resort in Scottsdale, Arizona. The event drew 86 Primerus members and 52 clients, making this the largest, and in my opinion, the best, Convocation to date.

We have received so much positive feedback on this event from new and long-time Primerus members, as well as from clients – some of whom said this is the best event they have ever attended. The continuing legal education offerings at the event were incredible, and were about topics of high interest to clients. The setting was beautiful, and the atmosphere allowed all attendees to get to know one another and have a great time together.

We are looking forward to continuing the momentum created at this year's event in 2011, when the Convocation will be held April 7-10 at The Ritz-Carlton in Naples, Florida. Mark your calendars now and plan to attend this event and invite clients.

Our focus at the Convocation is on developing relationships – a focus that should also be central to all of our business development efforts as attorneys.

While it is true in some settings a simple phone call or email may result in business, those lawyers who rely on this form of "marketing" almost always come up empty. In this fast-paced world, clients need something more. The question is, what?

Call me a little old-fashioned, but I still think focusing on being a successful attorney is critical if you want to develop a good long-term client relationship. Lawyers need to "put in the time" and invest in themselves and their firms. Become an expert in a given area of the law. Whether it's giving simple business advice or trying lawsuits, if you are one of the best at what you do, you will attract attention. Join the local professional organizations that really matter and get involved. Reach out to those less fortunate in your community and make a difference in their lives. If you are part of a firm, surround yourself with like-minded partners and associates. If you and your firm are widely known as having premier lawyers in your community or regional area, you can become a "force du jour" in developing new clients in your community. Getting the business is not enough. If you want to keep it, you will need to consistently demonstrate your successes.

To be a "successful lawyer," you need to be ethical, responsive to your clients, have a certain level of expertise in a given area, and have a good reputation. These qualities, and more, follow closely with the Six Pillars of Primerus. By developing yourself into a knowledgeable pillar of the community, you gain the respect and admiration of those clients you work with as well as opposing or co-counsel. By being an honest successful attorney, you increase the chance to develop referrals from your peers. In addition, by keeping your clients

happy, they too are more likely to refer your name to others. In this regard, client satisfaction should be a top priority at your firm. Always be responsive, professional and sincere. Be a good listener and strive to treat each client as if he or she were your only one. Use those skills that help build your "reputation" and demonstrate to your client they hired the right lawyer for the job.

By striving to be the best you can be and keeping your clients happy, you will go a long way in developing new business. While there are many ways to engage in the process of marketing, actions speak louder than words. In this regard, your reputation is everything. You need to nurture it. As Ray Kinsella learned in the *Field of Dreams*, "If you build it, they will come."

A handwritten signature in black ink that reads "Hugh A. McCabe".

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Primerus Consumer Law Institute

Donald J. Winder

PCLI Chair

Those who attended know we had the most successful mid-winter meeting ever. The venue was spectacular, the fellowship warm and the program tremendous. Those of you who missed it have another chance when we reload next year.

The venue was Key West at the Westin Hotel on the pier. Next year, the venue will likely be Costa Rica at the Los Sueños Hotel. The Primerus staff assures us it will not cost more or take longer to get to Costa Rica than Key West. They also assure us the beaches will be nicer and the weather even warmer. Plan to spend some vacation time, too. Costa Rica offers some of the most varied terrain in the world. Primerus staff will have suggestions for pre- and post-meeting destinations.

More than half of the Primerus Plaintiff and Consumer Group firms were represented. The fellowship was the best and is one of our group's greatest assets. Members interacted at the continuing legal education programs, networked about cases and conversed across the dinner table. You owe it to yourself to get to know as many members as possible. Remember our tagline, "Good people who happen to be good lawyers."

In my 38 years of practice, I've attended innumerable continuing legal education presentations. None have been more practical, useful or insightful than Eric Oliver's two days of presentation and case evaluations. Eric has an uncanny ability to invoke lively audience interaction and shift attorneys away from an unpersuasive "just the facts" mindset. He introduces the rich and largely unexplored landscape of nonverbal communication; a place where any given fact is filtered by

the many stories that people construct in order to understand what they are hearing. He successfully balances the "how come" questions about decision makers with specific "how to" lessons, delivering practical tools that genuinely make a difference in how you prepare and try cases!

Not to worry. If you missed Eric in Key West, likely he'll come back next year to present materials from his new book, *Persuasive Communication*. Primerus is also negotiating with another top-notch speaker. More coming about this and our next meeting.

2011 is looking to be the biggest and best yet.

Donald J. Winder

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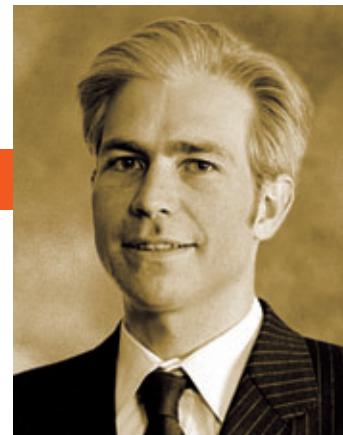
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CANADA

Michael R. Henry

FSI | Canada Chair



Here is an update of some legal matters in Canada:

Trends and events of interest to firms with Canadian or trans-border clients

The Vancouver Olympics were judged a success by most Canadians (we won't mention hockey), and the economy continues to perform strongly. As we write, the Canadian dollar is flirting with 100 cents U.S.

The strong Canadian dollar has not dampened manufacturing as in the past; the surge in manufacturing exports has led some to suggest that Canadian manufacturers are learning how to compete at high exchange rates. The Canadian government is maintaining its focus on creating new jobs.

Tax rules relaxed on non-resident share sales

Following the recent federal budget, foreign investors face less red tape when selling shares in private Canadian companies. This move is expected to make new venture capital investments in Canada more attractive.

In the past, a non-resident seller was forced to provide the buyer with a clearance from Revenue Canada that either Canadian capital gains tax had been paid or any gains were not taxable in Canada according to the Canada-U.S. tax treaty. That application process could sometimes take up to a year and until that clearance was provided, the sale proceeds were often held in escrow. If the proceeds were payable in shares, their value could decline while the seller waited for a clearance certificate.

The new rules exempt sales of private company and some public company shares, unless more than half the share value is derived real estate or natural resources.

The change took effect March 4, 2010.

Canada set to ease foreign ownership rules

Canada has long had special rules for ownership of what it considers cultural industries—including publishing, broadcasting and telecommunications. Two recent developments suggest a willingness to relax those restrictions.

First, the Federal government overrode its own regulator to allow Globalive, a new

wireless carrier, to compete here, despite its mostly foreign-based backing. Now it has agreed to look at Amazon.com's bid to set up a distribution centre in Canada, after years of doing business here via the internet.

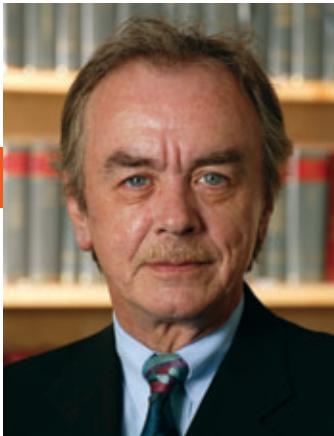
The changes appear to reflect as much by the difficulties of controlling entry in the digital age as by a desire to spur job creation.

OHSA compliance deadline looms

The Ontario *Occupational Health and Safety Act* has been amended to cover workplace violence and harassment. Under the changes, employers must assess workplace risk, develop risk reduction policies and inform and train employees by June 15. Non-compliance carries the risk of prosecution and significant fines.

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Keith Hearn

FSI | Europe Chair

Law Firm seeks Venture Capital

The UK Legal Services Act 2007 has deregulated the traditional partnership, or (since 2000) limited partnership, structure of solicitors. As from 2011, there will exist the possibility of:

- alternative business structures
- external shareholders
- sharing profits with non lawyers
- external equity capital

“Slater & Gordon's win Vs Merck ups share price”

Slater & Gordon of Australia got there first and is probably the only law firm in the world ever to have got such a headline. They floated in May 2007 with a fee income of around \$36 million (U.S.). They have been highly acquisitive and have expanded fee income to around \$85 million (U.S.), with a market capitalisation of \$142 million (U.S.).

The shares were floated at AUS \$1 reaching a high of just under AUS \$2 in September 2007, but have since fallen back but pretty much in line with the Australian Stock Exchange trend.

However, the *Merck* case (drug litigation) was reckoned to be worth AUS \$8 million plus 2.5 percent on the share price.

Do UK law firms want this?

When a survey was carried out in 2006, 74 percent of lawyers were in favor, but 94 percent denied that they were actively considering the proposals (mind you, only 10 percent described their knowledge of the bill as good or excellent).

Equally, a lot of investors were getting it wrong as well. Stories abound about interest stimulated by the “huge” profit margins made in law firms, followed by a bit of a wake-up call when it was realized that the margins were not quite so good when partner notional salaries were deducted.

UK professional services

Slater & Gordon already prove that a “people only” business can float and do it successfully. There are other examples here in the UK of publicly owned professional practices:

- Architects – 3 of top 20
- Accountants – 4 of top 20
- Surveyors – 6 of top 20

So, is there any reason why UK firms will not follow the example of Slater & Gordon? Which type of law firm will it be?

Slater & Gordon describe themselves as a consumer law firm, originally specializing in personal injury. However, we can now see headlines showing them involved in high profile litigation against companies on behalf of shareholders wondering why their investments have collapsed.

In the UK, the Legal Services Act is referred to as “Tesco law.” Tesco are the leading supermarket chain in the UK. Presumably the U.S. equivalent will be the “Wal-mart law.” The very description suggests that the best target for equitization lies in the consumer practice model, as indeed the only precedent suggests.

Is that where the investors will want to be – looking at further commoditization

of accident claims, wills writing, employment and family law? *“I got my divorce at Wal-mart who gave me a 5 percent discount card on groceries as well.”* When you add the ability to outsource back office legal work to places like India, is that where the real interest will lie, because of the ability to take out cost and restructure the whole process of service delivery?

Or will the investors be interested in the big, international firms, or will they need to keep their distance to keep their business? The international firm faces another problem – what will be the response of regulators in other jurisdictions which forbid profit sharing by lawyers?

Who knows – we surely wish we did!

So here is our strategic position – if you wish to invest lots of U.S. dollars give us a call – cash preferred.

A handwritten signature in black ink that reads "Keith Hearn".

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Together with the United States and Canada, Mexico forms part of the North American Free Trade Agreement or NAFTA, the largest free trade zone in the world. According to the U.S. Trade Representative Office (USTR), in 2008 (latest data available), Mexico was the U.S.'s second largest goods export market, and the third largest import market. The U.S. is the largest foreign direct investor in Mexico, with U.S. investments in Mexico valued at approximately \$90 billion (U.S.).

After the Great Recession of 2008 and 2009, which was tough on Mexico, the country emerged as one of the most attractive places to invest in for manufacturing operations. A February 2010 study by AlixPartners LLP (www.alixpartners.com), a global business-advisory firm, found that, "Mexico continues to lead as the number one low-cost country (LCC) for outsourcing from the U.S., while China, improving considerably over last year's study, still came in 6th." Mexico jumped ahead of both China and India to claim the top spot for sourcing manufactured goods to the U.S. market.

A member of the Organization for Economic Cooperation and Development (OECD), Mexico has followed sound economic policies and keeps healthy public finances, providing comfort to foreign investment. Many companies turn to Mexico given its privileged geography, skilled and productive labor force, competitive exchange rate, modern infrastructure and one of the broadest networks of free trade agreements in the world.

Mexico has signed free trade agreements with the following countries: U.S. and Canada (NAFTA), Colombia and Venezuela (G-3), Costa Rica, Bolivia, Nicaragua, Chile, the European Union, El Salvador, Guatemala and Honduras, Iceland, Norway, Lichtenstein and Switzerland, Uruguay, Israel, and, most recently, Japan. Mexico has also signed international treaties for the promotion and mutual protection of investments with most of its major trading partners. Special provisions regarding protection of investment with Canada and the U.S. are contained in Chapter 11 of the NAFTA.

The combination of free trade agreement investors find in Mexico allows, for example, companies from Europe or Asia to establish a presence in Mexico and export, free of tariffs, goods to the U.S. and Canadian markets, benefiting from both the Mexico – European Union Free Trade Agreement and NAFTA.

Since 1994, the year NAFTA was signed, Cacheaux, Cavazos & Newton (CCN, www.ccn-law.com) has been advising clients, most of them from the U.S., Canada and Europe, on how to do business in Mexico and how to respond to and solve conflicts involving Mexico or Mexican law. Mexico's legal system is a rich, complicated fabric of European, Latin American and North American ideas that have resulted in a unique system and culture, which can be complicated to understand and navigate.

With seven offices in Mexico (Mexico City, Monterrey, Querétaro, Ciudad Juárez, Reynosa, Matamoros and San Luis Potosí),

CCN features bilingual attorneys licensed to practice in Mexico and/or in Texas and provides advice to the world's largest multi-nationals, family-held enterprises and individuals looking for good investment opportunities in Mexico.

CCN's practice areas are widespread, including corporate, mergers and acquisitions, tax, labor, real estate and litigation. CCN is one of the very few international law firms with a strong presence both in Mexico and in the U.S. The firm even has Mexican-licensed attorneys located in its Texas offices. CCN clients receive top quality, cost effective services, whether in Mexico or in the U.S., in accordance with top standards of professionalism, confidentiality and ethics.

At CCN we feel honored to have become part of the Primerus family as the exclusive Mexico law firm and look forward to a lasting and mutually beneficial relationship with the Primerus membership.

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Primerus Practice Groups

In addition to its three main institutes – Primerus Business Law Institute (PBLI), Primerus Defense Institute (PDI) and Primerus Consumer Law Institute (PCLI) – Primerus also has organized several practice groups to allow members to better serve clients.

Bankruptcy

The Bankruptcy group is comprised of bankruptcy specialists from across the country who have represented the various interests in bankruptcy cases, including debtors, creditors, vendors and purchasers of assets.

To be eligible to be a member of the group, attorneys must have met certain practice standards criteria which establish the attorneys as experts in the field of bankruptcy. The criteria are:

1. Minimum of 10 years of practice in bankruptcy
2. The attorney spends at least 800 hours per year in the practice of bankruptcy
3. The attorney obtains eight hours per year of continuing legal education in the area of bankruptcy
4. Membership in organizations that focus on bankruptcy
5. The attorney has published books or articles on the topic of bankruptcy

Items 1, 2 and 3 are mandatory and 4 and 5 preferable. By maintaining high practice standards, the group can assure clients all members are experts in the area of bankruptcy. The group is comprised of members of the PBLI.

The bankruptcy group held its first webinar on March 4, on the topic of “Doing Business with Chapter 11 Debtors.” Bruce Lawrence of Boylan, Brown, Code, Vigdor & Wilson (Rochester, New York), Taft McKinstry of Fowler Measle & Bell (Lexington, Kentucky) and Howard Meyers of Burch & Cracchiolo (Phoenix, Arizona) put on an excellent program. The next webinar is slated for July 15 on a topic to be announced. We invite other bankruptcy practitioners to join our group.

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Commercial Law

The Commercial Law group is composed of seasoned attorneys within the Primerus family of firms who devote a significant portion of their practices to one or more areas of business law. The group is a mix of both PBLI and PDI members. Thus, regardless of whether an attorney is involved in commercial law from a transactional or litigation perspective, the attorney should consider becoming involved with our group.

Members of the commercial law group must meet the following guidelines:

1. Minimum of five years of practice in commercial law
2. Attorney must spend a significant amount of time practicing in the commercial law area
3. The majority of our members obtain substantial continuing legal education (CLE) training, belong to numerous commercial law organizations and publish articles regularly

The overarching goal of the group is to harness the collective expertise of its member attorneys in a collaborative effort to reach and serve corporate clients and their in-house counsel. With the collective resources of the group and the support and cross-selling power of Primerus, we plan to reach out collectively to prospective regional and national clients who might otherwise be inaccessible to individual Primerus member firms, with a view toward serving their commercial law needs without the large law firm price tag.

Given the cost-conscious environment in which businesses operate today, the opportunity for a large company to obtain top-notch legal assistance on a national basis at a reasonable cost is timely indeed.

The Commercial Law group is currently making plans to collaborate with the Primerus Real Estate group in sending representatives to the upcoming International Council of Shopping Centers conference in Las Vegas in May to market for both practice groups in particular and all Primerus firms in general. We look forward to growing the group and introducing Primerus to many more such organizations in the future. We hope all interested Primerus member attorneys will join us in the effort.

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Primerus Practice Groups

Insurance Coverage and Bad Faith

The Insurance Coverage and Bad Faith group consists of firms from the PDI with established insurance coverage and bad faith litigation practices who are interested in sharing their expertise with other firms and other clients. Given the strong showing of interest in the group, we have members representing 36 states, the District of Columbia, and three Canadian provinces, thus assuring our ability to provide clients with quality services throughout the United States and Canada.

The group made a presentation at the 2010 PDI Convocation entitled "Avoiding Excess Verdicts: Strategies and Considerations for the Insurance Carrier and the Insured," and this year will publish a Compendium of bad faith laws in the 50 states. The Compendium will be a resource for clients and firms alike and will be available on the Primerus website.

The group also is planning a seminar of its own in Chicago in the fall of 2010, for clients and lawyers, to address timely and important topics in the fields of insurance coverage and bad faith. A Primerus Insurance Newsletter is also being considered. Specific member qualification requirements are under development.

Our goals are to develop the equivalent of a strong and cohesive national law firm for insurance coverage and bad faith matters, and to educate clients about the group and its capabilities.

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Intellectual Property

In today's complex technological world, intellectual property portfolios are increasingly valuable assets and are critical to ongoing business success. Whether the Intellectual Property (IP) is protected by patents, trademarks, copyrights or trade secrets, attorneys in the Primerus IP group provide sophisticated consulting, prosecution and litigation services to our clients to protect their valuable intellectual property.

The Primerus IP group includes both business attorneys and trial lawyers, both PBLI and PDI members, who offer the full breadth and depth of IP legal services to our clients. On the business side, we provide consulting and agreements regarding licensing, non-disclosure, non-competition, websites, advertising and copyright registration, as well as patent and trademark prosecution with the USPTO and under the Madrid Protocol. Our litigators have extensive experience in prosecuting and defending claims of patent, trademark and copyright infringement, false advertising, unfair competition, cybersquatting and claims under the Computer Fraud and Abuse Act.

Lawyers in the Primerus IP group have at least five years of experience and spend a significant amount of their legal practice in their IP practice area. In addition, they attend ongoing continuing legal education in their IP practice area, and often speak and publish books and articles on various IP topics. Our attorneys are members of AIPLA, WIPO, INTA, LES and the IP sections of DRI, ABA and state and local bars nationwide.

We presented on "Commercial and Intellectual Property Litigation: An Overview for Defense and Corporate Counsel" at the 2010 PDI Convocation. On June 18, the IP Group will be presenting at the Primerus Business Law Institute Symposium on "Managing Intellectual Property Disputes."

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Primerus Practice Groups

Labor and Employment

Most Primerus clients are employers who need advice and representation on issues relating to their workforce. Several dozen Primerus firms, almost equally divided between the PBLI and PDI groups, have been actively involved in the Labor and Employment practice group since its inception approximately 18 months ago. We have excellent coverage of states across the country, which is important due to significant differences in state law and the need to have local counsel in many employment litigation matters. This coverage helps Primerus firms compete against the large national firms that have labor and employment lawyers in multiple states.

Examples of the types of matters our labor and employment attorneys focus on include:

- Defending employers in lawsuits and arbitrations alleging discrimination, harassment, wage and hour violations, wrongful termination and other employment-related claims.
- Drafting employee handbooks and other personnel policies.
- Representing employers in connection with investigations or charges by the Department of Labor, OSHA, NLRB, and other federal/state agencies regulating the workplace.
- Drafting employment contracts, restrictive covenants (including non-competes and non-solicitation covenants), offer letters, and severance and release agreements – in some cases for executives as well as employers
- Providing day-to-day advice to employers on terminations, disciplinary actions, union issues and negotiations, and employment law compliance issues.
- Litigation of claims related to misappropriation of trade secrets and unfair competition by former employees, as well as violations of restrictive covenants.

Members of the group must meet the following guidelines:

1. Minimum of five years of practice in Labor and Employment
2. Labor and Employment must be a substantial focus of the attorney's practice
3. In addition, the majority of our members obtain substantial continuing legal education (CLE) training, belong to numerous labor and employment organizations and publish articles regularly

We have hosted a series of webinars for clients and prospective clients presented by panels of two to four Primerus attorneys, including two panels during the last several months on new developments in disability discrimination law and an update on several other new or changing federal laws and regulations. Our next webinar is on June 8 at 3:00 p.m. EDT on the topic of protecting trade secret and confidential information, and we invite you to participate and let your clients know about it. At the Primerus Business Law Institute in Chicago on June 18, we will be presenting on the topic of "The New Frontier: Social Media and Employment Law," and will have in-house counsel from Cox Communications, US Foodservice and Circle K joining us on the panel.

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Primerus Practice Groups

Liquidation of Commercial Debt

Members of the Liquidation of Commercial Debt practice group offer businesses an opportunity to boost bottom-line performance without additional cost. In-house counsel and business decision-makers now have the option to cut out lay-collector middlemen in favor of seasoned creditors' rights law firms with years of experience of collecting business-to-business debt throughout North America and beyond.

Services offered by group members cover the full range of collection activities, both in and out-of court, and typically cost no more, and often less, than non-lawyer collection. Members also offer comparable success-based payment options.

There is nothing a law firm cannot do that a lay collection firm can, and a great deal that only lawyers can do. Referring delinquent accounts to lawyers creates an opportunity to increase collection percentages. Debtors are dealing with a law firm and legal letterhead from the outset. While it is a fact of business life that debtors' decisions as to whether, when and whom to pay first are strongly influenced by the perceived risk of suit, lawyers offer more sophisticated advantages. From the moment of receipt, a client's claims are in the hands of attorneys with the experience to identify potential problems and to determine how to best protect your interests. Group members continually secure out-of-court solutions, often reinforced by additional contractual guarantees. If suit becomes necessary, the group's lawyers have the experience to give candid legal assessments and identify the methods and locations most likely to deliver the most-cost effective recovery.

In addition to the strict guidelines all Primerus firms must meet, Liquidation of Commercial Debt Group members must demonstrate the following:

1. A minimum of 5 years of practice in Liquidation of Corporate Debt, including trial practice
2. That Liquidation of Corporate Debt and commercial law represents a substantial focus of their practice
3. A commitment to substantial continuing education in the fields of creditors' rights, ancillary commercial law and bankruptcy

Most members also belong to numerous legal and business groups that advance or address the issues of creditors' rights and debt recovery and regularly speak on and publish articles addressing best practices and cutting-edge legal developments in the field. The group includes members of the PBLI and PDI. Primerus members are prime examples of lawyers that have traditionally been sub-contracted by lay collectors when non-legal methods have failed. Primerus law firms have a demonstrable record of recovering millions of dollars of commercial debt in and out-of-court throughout North America and internationally.

Together we represent an opportunity to cut out the middleman with all the benefits that can offer.

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Product Liability

The Product Liability group is developing a network of firms and clients that will be mutually beneficial. Our goals include not only creating a specialized referral network, but also creating a group that is able to provide clients with a readily accessible resource of knowledgeable counsel, as well as seminars addressing issues of interest to them. Another primary objective is to identify additional companies with product-related litigation who may not be aware of Primerus and to educate them about the organization. To make these efforts successful, we need the involvement of all Primerus firms who have a significant product liability practice.

A practice group provides several benefits. Because the firms in Primerus have been pre-screened, the quality of the attorneys can be relied upon by clients as well as by the member attorneys. There is a wealth of knowledge and experience that we can each draw upon. The fact that we can occasionally share these benefits in the congenial atmosphere of the convocation and seminars is an added bonus.

If you are a PDI member interested in becoming involved in the Product Liability group, please contact a member of the Executive Committee. Specific member qualification requirements are under development. We are also very interested in hearing from Primerus members and clients with ideas for increasing participation this group and for developing successful programs of interest to firms and clients alike.

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Primerus Practice Groups

Professional Liability

The Professional Liability group encourages the active participation of attorneys and clients who work in professional liability to make this group the premier referral and resource group in the country. Whether your area of expertise is the defense of directors and officers, accountants, architects, engineers, lawyers, medical professionals or public entities, your input is valuable.

Anyone who works in this field knows the special challenges these cases present. You need to understand the technical or scientific issues involved. You need to be an experienced trial lawyer. You need to have judgment and empathy to help another professional through one of the most difficult experiences they will have. You need to be efficient. Your representation must also be cost effective. We believe active involvement in this group will help us all give better service to our clients.

We are in the process of recruiting members from the PDI and defining standards. Specific member qualification requirements are under development. It is already evident that many experienced lawyers from around the country are excited about what the future holds for this group, and they want to be active participants. Within a few months, Primerus attorneys and clients will have the capability of identifying counsel capable of handling any type of professional liability matter, in any part of the country. This will allow clients the ability to retain competent counsel when needed and will also give attorneys an opportunity to refer and consult with confidence.

Future plans under consideration include common interest continuing legal education (CLE) offerings and development of expert witness databanks. If your practice includes the defense of professional liability claims, please join us.

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Real Estate

Primerus' Real Estate group offers experienced real estate lawyers throughout the country. These lawyers can handle a wide variety of real estate transactions and litigation, including purchases and sales, Section 1031 exchanges, leases, development agreements, construction contracts, real estate financing, tax credits, loan workouts and land use issues. Many of the firms also have expertise in specific types of real estate projects, such as multi-family housing, condominiums and cooperatives, office buildings, shopping centers or hotels. Unique local issues are also covered, such as condominium and cooperative conversions in New York or oil and gas issues in Oklahoma or Louisiana.

Each attorney in the Real Estate group must have a minimum of five years of experience in real estate law and must devote at least 800 hours per year to real estate practice. Most of our real estate practitioners exceed those standards and are recognized in their jurisdictions as top real estate consultants. Our members pursue and often provide specialized continuing legal education, in addition to participating in key real estate organizations and publishing articles. Group members are part of the PBLI.

The Primerus Real Estate Group is making the real estate community aware of its services through the Primerus web site and marketing materials. Primerus also will be an exhibitor at the annual meeting (the RECon Academy) of the International Council of Shopping Centers, which will be held in Las Vegas, May 22-25, 2010.

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Primerus Practice Groups

Transportation

The PDI Transportation group focuses on assisting the transportation and trucking industry in the defense of wrongful death, personal injury, property damage and cargo claims. Member firms are prepared to assist with accident investigations and assessment on an immediate basis. The group has the ability to perform these tasks all over the United States.

In January, the group held its annual seminar in Las Vegas. Presentations included topics such as accident scene ethics, insurance coverage issues, the admissibility of and evidentiary dilemma of CSA 2010 and resulting data, and considerations and strategies related to admitting liability. In addition, a client panel focused on attorney expectations and how to prevent and deal with lack of training, drug testing, retention, non-compliance and other in-house policy issues.

Members of the Transportation group also attended and sponsored an exhibit at the Truckload Carriers Association held May 16-18 in Kansas City, Missouri. Updated member qualification requirements are under development.

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Workers' Compensation

No two states share the same workers' compensation law. Such diversity is a challenge to insurance carriers and employers alike. Lawmakers and regulators must balance stakeholder interests. States act as laboratories experimenting with new cost containment strategies in an attempt to protect employers and their injured workers. Employers demand quality medical care so their employees can return to work as soon as they can. Employees seek adequate income replacement and medical benefits. Insurance carriers seek predictability and lower costs. Jurisdictional diversity and competing interests require advice from legal counsel intimately familiar with the individual jurisdiction.

The Primerus Workers' Compensation group is uniquely situated to provide legal advice to their clients from legal experts across the United States. The group members serve their clients by providing sound legal advice, vigorous defense and referrals to outstanding attorneys.

A workers' compensation claim potentially triggers ADA/FMLA concerns, bad faith liability, subrogation and other third party actions. The Workers' Compensation group partners with other Primerus groups such as Insurance Coverage and Bad Faith, Transportation and Labor and Employment.

The Workers' Compensation group is forming a client advisory committee and working with other groups for client Continuing Education events. Specific member qualification requirements are under development. Group members are part of the PDI. The group also is planning regional events for firms and their clients to meet other outstanding Primerus lawyers.

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**Make plans to attend the
Primerus Annual Conference
October 14-16, 2010
in Napa Valley.**



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2010 and 2011 Calendar of Events

May 16-18, 2010 – Truckload Carriers Association Safety and Security Meeting

Kansas City, Missouri

The Truckload Carriers Association is a member driven organization that has represented the interests of truckload carriers for 69 years. Primerus will be an exhibitor at this meeting.

May 23-25, 2010 – International Council of Shopping Centers Spring RECon Academy

Las Vegas, Nevada

The International Council of Shopping Centers (ICSC) is the global trade association of the shopping center industry. Its 60,000 members in the U.S., Canada and more than 80 other countries include shopping center owners, developers, managers, marketing specialists, investors, lenders, retailers and other professionals as well as academics and public officials. Primerus will be an exhibitor at the ICSC Spring ReCon Academy promoting Primerus members.

June 8, 2010 – Labor and Employment Practice Group Webinar

3:00 pm EDT

Members and clients are invited to participate in this webinar on the topic of protecting trade secrets and confidential information.

June 17-18, 2010 – Primerus Business Law Institute Symposium

The Sutton Place Hotel • Chicago, Illinois

This event will provide Primerus attorneys and corporate clients the opportunity to participate in an outstanding educational program and learn from highly experienced attorneys, executives, and in-house counsel from some of the nation's top corporations. Attendees will share practical strategies and have the opportunity to network with Primerus attorneys.

July 10-14, 2010 – American Association for Justice Annual Convention

Vancouver, British Columbia

The American Association for Justice (AAJ) is the world's largest trial bar, providing trial attorneys with information, professional support and a nationwide network that enables them to most effectively and expertly represent clients. Primerus will be an exhibitor at the AAJ Annual Convention promoting Primerus members.

September 23-24, 2010 – Primerus Defense Institute Insurance Coverage and Bad Faith Seminar

The Sutton Place Hotel • Chicago, Illinois

The Primerus Defense Institute (PDI) is hosting its inaugural Insurance Coverage and Bad Faith seminar. PDI member attorneys and clients will be attending this event, which will provide networking and educational opportunities.

October 14-16, 2010 – Primerus Annual Conference

Villagio Inn & Spa • Yountville, California (Napa Valley)

The Primerus Annual Conference provides members the opportunity to create new friendships, network with peers and learn valuable practice management tools. Please plan now to join us.

October 24-27, 2010 – Association of Corporate Counsel Annual Meeting

San Antonio, Texas

The Association of Corporate Counsel (ACC) is the world's largest organization serving the professional and business interests of attorneys who practice in the legal departments of corporations, associations and other private-sector organizations around the globe. With nearly 25,000 members employed by more than 10,000 organizations in 70 countries, ACC connects its members to each other, and to the people and resources necessary for their personal and professional growth. Primerus will be an exhibitor at the ACC Annual Meeting promoting Primerus members.

March 2-6, 2011 – Primerus Consumer Law Institute Winter Conference

Los Sueños Marriott Resort • Costa Rica

April 7-10, 2011 – Primerus Defense Institute Convocation

The Ritz-Carlton • Naples, Florida