

T H E P R I M E R S

# Paradigm

*A new model for lawyers and law firms*

SUMMER 2008

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# Quality of Life

Everyone knows I love to talk about the Six Pillars that form the bedrock of Primerus – integrity, excellent work product, reasonable fees, continuing legal education, civility and community service. I believe in these principles as much today as ever. In fact, I think the future of the legal profession rests in our ability to live out our commitment to these values

**“We do not have a pillar for making money, billable hours or getting ahead. We do not have a pillar for putting work before all else, including family commitments. We do not have a pillar for working the longest hours or going the longest period of time without a vacation.”**

every day, despite the temptations around us to do otherwise.

I do not as frequently talk about what's *not* on the list of the Six Pillars – those things which someone from the outside looking in might think top a lawyer's list of values. They're those things which sometimes, in fact, do creep in and warp our priorities.

We do not have a pillar for making money, billable hours or getting ahead. We do not have a pillar for putting work before all else, including family commitments. We do not have a pillar for working the longest hours or going the longest period of time without a vacation.

## Quality of Life

In this issue, we provide many resources and perspectives on finding quality of life in the practice of law, whether it's rediscovering your love for your job, developing strong relationships with clients and colleagues, balancing work with your personal life, or putting systems in place in your firm that allow you to escape from the pressures of

work when you need to.

During my years of practicing law full time, I resigned from the practice of law every Friday afternoon and rejoined it Monday morn-

ing. I would not work on any legal matters on Saturday or Sunday, and the only time I broke this rule was if I had a trial scheduled Monday morning. I did this so I could spend time with my family and return on Monday morning refreshed and invigorated to do the job I love.

When my daughter, The Honorable Jane Beckering, graduated from the University of Wisconsin with her law degree, she accepted a job at McDermott, Will & Emery in Chicago. While she loved the fast pace of life in a big-city firm for a few years, she soon realized that she wanted to raise a family and work in a smaller firm. She returned to Grand Rapids and worked with me for a while before we, along with my son,

Robert, founded Buchanan & Beckering, PLC, in 1995. She worked there for 13 years before being appointed as a judge of the Michigan Court of Appeals.

## Love Your Job

The path to quality of life is not the same for every lawyer. My weekend rule and Jane's decision might not be right for everyone. But I encourage all Primerus lawyers to think about the ways they can structure their work and personal life to make ample time for both.

I also think we all could benefit from reminding ourselves why we joined the legal profession and what we love about it, and then doing what we need to do to revitalize that passion. I am reminded of the following quote from Henry Ford: “The whole secret of a successful life is to find out what it is one's destiny to do, and then do it.”

In my opinion, there is no greater calling than the profession of law, which allows us to help preserve our democracy and freedom and protect people through our judicial system. We ought to approach each day as lawyers with professionalism and joy as we carry out that calling.

A handwritten signature in black ink, appearing to read 'John C. Buchanan'. The signature is fluid and cursive, with a long horizontal line extending from the end.



# Are You on Track for Burnout? How *Not* to Go There

Why are so many of today's attorneys who enrolled in law school with lofty hopes of furthering justice and helping clients ending up depressed, unhealthy, unhappy and stressed out? What happened, and what are Primerus law firms doing to preserve quality of life in the profession?

The topic of the stress level, as well as higher rates of alcoholism and depression, among attorneys is not new. But as time goes on, more and more bar associations, law firms and individuals are addressing the trend and making changes to reverse it.

Starting in the spring of 2007, *The Complete Lawyer* website ([www.thecompletelawyer.com](http://www.thecompletelawyer.com)) posted a Personal Stress

Navigator for attorneys to assess their stress level. Of the nearly 500 attorneys who completed the assessment, 75 percent were at risk for burnout and 45 percent suffered from high levels of acute stress.

Some of the many reasons for this stress that's eroding quality of life among attorneys include:

- increased pressure to attract and retain clients in a more competitive marketplace
- working in an adversarial environment
- fighting against a poor public image
- growth of billable hours demands
- new technology such as Blackberries, pagers and cell phones creating the expectation that attorneys should be available to clients 24/7

Allison Shields, an attorney and president of Legal Ease Consulting, Inc., now devotes her career to helping attorneys avoid burnout. As an attorney with a Long Island firm, Shields became increasingly involved with the firm's management and marketing during a time of tremendous growth – all while continuing to run a law

**“When I left the firm, I had found that trying to play all these roles was impossible. I was burned out. I was working seven days a week and I hadn't taken a vacation in two years,” she said. “I know it doesn't have to be that way.”**

practice. She realized she liked performing business functions more than practicing law, so she left to start a consulting business and practice law part-time.

“When I left the firm, I had found that trying to play all these roles was impossible. I was burned out. I was working seven days a week and I hadn't taken a vacation in two years,” she said. “I know it doesn't have to be that way.”

In her work helping attorneys avoid burnout and run profitable firms, she has found some elements to be key: helping attorneys get back to the roots of what they love and why they entered the profession and putting systems in place that help the firm's business and marketing functions run smoothly.

## Are You on Track for Burnout?

### How Can I Find Balance in My Life?

In her article “Live in Your Head and Heart” from *The Complete Lawyer*, Susan Daicoff, law professor at Florida Coastal School of Law in Jacksonville, Florida, reports on a pilot study she conducted to find personality traits that correlate with attorney distress. Her data showed a high correlation between attorney distress and job dissatisfaction – a finding she determined could reveal that for distressed attorneys, their jobs represent their whole



lives. She writes, “In other words, if one is not happy at work, one is not happy in life. This in turn might suggest that distress is linked with a life that is out of balance, or has become unbalanced, in that ‘work is all.’”

About five years ago, the Little Rock, Arkansas firm Cross, Gunter, Witherspoon & Galchus, P.C., a Primerus firm, began

“I have committed the last five years of my career working in bar associations and on the board of two law schools to educate and encourage lawyers to return to the principles of justice that motivated them to go to law school,” Ricci said. “If someone is not driven by a passion for justice, that person is in the wrong profession.”

carefully looking at the work/life balance needs of its attorneys and other staff members, according to managing partner Rick Roderick. That decision started a journey that has made them a leading employer in the state of Arkansas.

The firm recently received the gold level distinction at the 2008 Governor’s Work-Life Balance Awards ceremony sponsored by the Arkansas Department of Human Services – marking the first time a law firm has won the award. This recognition comes on the heels of winning bronze and silver designations the previous two years. The award recognizes the firm’s dedication to the creation of a family-friendly work environment and respect for its employees’ lives outside the office.

Among the firm’s progressive policies are flexible work hours, alternate work schedules, part-time scheduling and telecommuting options, Roderick said. The firm encourages individuals to assess their own needs and make responsible decisions, he said. The firm also stopped setting billable hours goals for associates, encouraging them instead to work hard while also being involved in the community and with their families.

Roderick reports phenomenal results, including extremely low turnover rates, improved recruitment of associates, a growing business with high client satisfaction and high employee morale.

### Connect Your Body and Mind

Aside from work/life balance, Daicoff also examines internal balance in attorneys, pointing out that attorneys have been trained to live in the left side of their

brains, stressing logic, rationality, analysis and thinking. “In doing so, we may overlook the value of the right brain functions and the value of intuition, creativity and compassion,” she writes.

According to Daicoff, almost 80 percent of attorneys score as thinkers as opposed to feelers on the Myers-Briggs Type Indicator. “True intelligence, the kind that incorporates both cognitive and emotional intelligence, requires the ability to integrate and synthesize the wisdom of the head and the heart, the Thinker and the Feeler, and the mind and the body,” she writes.

In his article “The Inextricable Link Between the Body and Mind,” also from *The Complete Lawyer*, Richard Strozzi-Heckler points to recent breakthroughs in neurological research that “clearly indicate that how we move, gesture, breathe, comport ourselves and live in our emotions (or not) directly affects the way we think and reason.”

Josh Whitman, of the Primerus firm Milton, Leach, Whitman, D’Andrea & Milton, P.A., in Jacksonville, Florida, pointed to a time in his career about five years ago when the balance between work, family and health was askew. After reading a study about the benefits of walking, Whitman started taking a daily walk of about two to three miles, whether he’s at home or traveling. Not only has his health improved, but he has experienced the link between mind and body first hand.

“Sometimes I have the greatest revelation or epiphany about work, my partners, my family,” he said. In fact, he found he



needed a system for capturing the thoughts that come to him as he walks, so he often leaves voicemail messages for himself while he walks.

Whitman shares the story of one 4 a.m. walk on the day of a difficult medical malpractice case. On that walk, Whitman organized his thoughts for his cross examination of the defense's star expert. He later went into the office and crystallized his entire cross examination on one page. "The case resulted in a very large verdict for the plaintiff, and I attributed it all to that walk," he said.

### **Remember Your True Love**

Edward Ricci of Ricci~Leopold, a Primerus firm in Palm Beach Gardens, Florida, points to never losing sight of his calling as the key reason for the love he has for his practice today. After 35 years in the law profession, he said, he still does what he set out to do – promote consumer justice issues. Despite obstacles along the way, he is thankful for his

ability to stay on course and now wants to help others do the same.


"I have committed the last five years of my career working in bar associations and on the board of two law schools to educate and encourage attorneys to return to the principles of justice that motivated them to go to law school," Ricci said. "If someone is not driven by a passion for justice, that person is in the wrong profession."

The Honorable Jane Beckering, daughter of Primerus founder John C. Buchanan and a judge in the Michigan Court of Appeals, made a life-changing decision after working for a few years at the big-city firm of McDermott, Will & Emery in Chicago. She realized she wanted to raise a family and work in a smaller firm that would allow her more direct contact with clients and the opportunity to be the lead attorney on cases. So she returned to Grand Rapids and founded Buchanan & Beckering, PLC, with her father and brother.

Based on what she has learned from her father, Beckering now advises young attorneys to objectively evaluate their lives

at least every year. "Step back and take control of your own schedule," she said. "Don't sacrifice your personal life for your professional life, because you can have a rewarding experience in both."

The Six Pillars of Primerus set a high standard for attorneys today – integrity, excellent work product, reasonable fees, continuing legal education, civility and community service. Primerus President John C. Buchanan believes that focusing on these standards holds the key to professional excellence, as well as improved quality of life for attorneys.

"It's a great profession. If we don't enjoy it, we really ought not do it. When you love what you do in your work, when you enjoy going to the office every day, and when your work becomes your passion, that's the point when you truly stop working," Buchanan said. "This concept of truly enjoying our work, of reaching out and helping others, is really what makes life worth living." 

# Best Practices

**How to Enjoy the Practice of Law Again**

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**Quality of Life for Lawyers – is it Possible?**

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# How to Enjoy the Practice of Law Again

## Best Practices



**By Allison C. Shields, Esq.**  
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Shields helps attorneys create practices that are profitable, productive and enjoyable.

To learn more about her coaching and consulting services, please visit her website at [www.LawyerMeltdown.com](http://www.LawyerMeltdown.com).

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Have you gotten bogged down in the day-to-day details and frustrations of the practice and lost sight of what inspires you? The disconnect between your priorities and your daily activities may be breeding discontent. Answer the questions and follow the four steps below to begin enjoying your practice again. Writing down your answers will make your thoughts more concrete and creates a record that you can review later.

### **Step 1:** **Remembering your inspiration**

- Why did you decide to practice law? (What's your story?)
- What do you enjoy most about your current practice and clients?
- What are your biggest strengths at work?
- Describe a situation in which you feel that you're in "the zone" at work. What does it feel like? What happens to time? What are you doing? Who are you doing it with? What contributes to the feeling that you are in "the zone?"

### **Step 2:** **What's the reality now?**

- How would you describe what you do and who you do it for?
- What are the three most frustrating things about your practice?
- What three character traits can your clients count on you to deliver?

- What do others rely on you or come to you for? What role do you play for others?
- What are your three biggest priorities in life?
- Is the time you spend on each of those areas in line with those priorities?
- Are you fully satisfied with the role each of those priorities plays in your life now?

### **Step 3:** **What's your vision for the future?**

Achieving your full vision may take time, but if you distill it down to its core, you can act on it immediately, regardless of your current situation. The core of your vision usually has more to do with who you are, rather than what you are doing; it's more focused on purpose - particularly what you do for others, rather than on task.

To get to your core purpose, ask yourself:

- What is possible if you achieve your ideal?
- How would other people benefit if you reached your dream?
- If you could wave a magic wand and create anything you wanted for your practice, what would it be? Describe in detail.
- If you had no limits, what would you provide for your clients?

Draw on what you've written to create a vision for your future.

## How to Enjoy the Practice of Law Again

### Implementation

The hardest part of making any change, including any change necessary to enjoy your practice, is taking the first step.

Lawyers commonly suffer from “analysis paralysis”—getting stuck in the planning phase or wanting to make sure that conditions are “perfect” before taking action. Or they fail to focus on activities that fall into Steven Covey’s “important but not urgent” category. Quality of life issues regularly fall into this category because they focus on the long term and their effect on revenue or clients often isn’t immediately obvious.

By definition, the “important but not urgent” doesn’t have a set deadline. But if you’re committed to making a change, the secret is in creating external deadlines and taking action one step at a time. Here’s how:

- List your goals;
- Choose an outside deadline for each goal;
- Write down the smallest possible next step that needs to occur in order to move things forward;

- Schedule a specific appointment with yourself to accomplish that next step;
- Share the deadline with someone else and ask them to hold you accountable for meeting it;
- Where possible, publicize your goal deadline more widely (for example, announce that your new website will be launched by September 1, or schedule a seminar and invite clients in advance).

External deadlines use the power of peer pressure; once you share the goal and the deadline, you’ve made a commitment to others, even if the only one who really benefits is you. External deadlines also work because when you share your deadlines with others and ask them to keep you accountable, you’ve created a cheering section – and perhaps even an offer of help. And finally, external deadlines force you to get over your perfectionism and take action.

### Step 4:

### Create an action plan to reach your vision and goals – and commit to the actions

It may be unrealistic to expect your work life to meet all of your needs – emotional, physical, spiritual, intellectual, etc. But you can develop a practice that plays to your strengths and incorporates your purpose.


To create an effective action plan, focus on the areas you’ve identified in Step 2 that aren’t working and ask:

- What do I need to *know* to solve this issue?
- What do I need to *do* to make things better?

If you don’t know the answers, pretend you do. Don’t edit yourself.

- Choose the issue that relates to your biggest priority from Step 1 (remembering your inspiration) or that can help you to reach the the purpose you identified in Step 3 (what’s your vision for the future?).
- Select three actions that you can take toward improving the situation.
- Commit to completing those three actions within a specific time period.
- Share your commitments and your action steps with a co-worker, spouse, friend, coach or consultant who can help you stay accountable.

You may need to eliminate, outsource or delegate low value, repetitive or unproductive tasks; hire a coach or consultant to help make the practice more productive and get more done in less time; or get rid of low value clients or practice areas. Being more strategic will allow you to schedule time for the activities and people you enjoy outside of work.

Return to your inspiration and your vision for the future often, and keep creating action steps that propel you forward and bring the life back to your practice. 



# Let the Good Times Roll

## Best Practices



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When I was interviewing for a summer program during law school, I asked some of those questions that many people tell students not to ask about: flexible schedules and family friendly policies. While many firms said the right things, I was often unconvinced that their version of family friendly matched what I was hoping to find. But at my Boylan, Brown interview, the spirit of collegiality, friendliness and professionalism rang true – and so it has proved in my four years here.

Considered a mid-size firm, Boylan, Brown is large enough to attract big clients and complex, interesting work, while maintaining a small firm feel. The “open door” culture at Boylan, Brown includes not only partners, but also of counsel attorneys, associates and support staff. This welcoming atmosphere characterizes Boylan, Brown and has been present since the firm’s inception. We operate on the belief that everyone is here to assist one another and to work as a team, rather than on the traditional hierarchical system in which associates work for partners. This fosters a true sense of teamwork, as opposed to a “to each his own” mentality. The firm encourages associates to seek help from practitioners in other departments whenever the need arises. The spirit of teamwork and camaraderie extends

beyond the office, often in sporting activities such as softball, volleyball, golf, skiing and racquetball. In addition, many of our families come out to watch or join in these events.

### The Spirit of Family

The importance of family is a core cultural value at Boylan, Brown. Throughout the firm’s 34-year history, many people – attorneys and non-attorneys alike – have benefited from flexible work arrangements in order to facilitate the balance between work and home life, whether the need is small children, ailing family members or aging parents. The firm recognizes the importance to many of the attorneys and staff of leaving early on occasion to catch that special ball game or recital. I think our firm derives strength from this principle; it enhances our empathy for others. By respecting the obligations of others, starting within the firm and extending to those outside, we are more well-rounded individuals, and therefore more well-rounded attorneys and advisors to our clients.

### Creating the Culture

Boylan, Brown does a great deal to recognize the contributions of individuals in the office. Nobody is stingy with praise for a job well done or gratitude for assistance given. Both the associates and the support staff are routinely asked for their input and ideas for improving the firm.



Associates have been asked to provide input not only regarding customary office practice, but also in shaping the future of the firm. By educating the associates about how the firm works and seeking associate participation when changes are being made, the partnership has created an environment that encourages associates to be invested in the future of the firm. The founding partners have worked hard to create a legacy and continue to work to mentor and prepare the associates to take over one day. In recognition of the ongoing loyalty shown to the firm by associates and senior staff, the firm recently created

a program called “Chip in for Charity,” which celebrates the constancy of the associates and senior staff by contributing funds to be donated to charities for every head-hunting call reported to our marketing director. The associates and senior staff who report the calls have a dinner meeting (on the firm) to choose the recipients of the funds, allowing us to do something good for our favorite local charities.

Within the less structured “life-style” culture at Boylan, Brown, people genuinely look forward to greeting each new day with their coworkers and to approaching their varied work projects with a creativity and personality that might not be accept-

able in a more rigid environment. Almost universally that personality compels people to efficiently turn out an excellent work product before they go home to enjoy their own pursuits – family, athletics, art or music. This leads to a satisfaction with our work and working environment that results in very low turnover of attorneys and staff. Boylan, Brown has created an environment where each one of us is aware that the firm values our work product, our opinions and our personal lives. P

# Quality of Life For Lawyers – is it Possible?

## Best Practices



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Enlightened law firms across the country are revisiting this issue – but now more than ever, they are doing so in ways that make good economic sense. Quality of life issues for lawyers cross over geographic boundaries and run across virtually all firms, no matter the size or practice area. Science no longer looks upon mind, body and spirit as separate. Clinical studies demonstrate that all three are connected and must be nurtured to achieve optimum benefit.

How is this done? It all starts with asking the right questions: How can I integrate my career into my life in a way that can truly give me a life worth living? The question, “For the sake of what?” applies equally to associates and seasoned veterans. Individual well-being links to the well-being of the firm itself and vice versa.

If we accept the concept that quality of life is a fundamental concern of lawyers, then we might ask, “Does my firm have a context that places value on this issue? What story or narrative do firm members live around in the work/life balance?”

We have learned that if the context (the story people live in) is not understood and aligned, unintended results or breakdowns often result, including low

performance, failure to meet goals, poor client development, burnout, anxiety and inability to concentrate and communicate clearly.

### Setting a Vision

The first step to create balance between quality of life and the business of law is to be very real and clear about the vision of the firm. Is it a vision that members can buy into and own? Members must believe it is possible to shift the work environment from one which is “business as usual” to one with very intentional results of a high quality of life for all.

In many respects, a better understanding of where firm members really are with this issue (knowing the context from which the firm really is operating) is critical to meeting the needs of the future generation of the firm.

In a day and age when money, billable hours, choice of practice area and home issues can often be at odds with each other, the question arises, “How does a firm know where it stands on this issue?” Virtually every firm likely believes that it is meeting appropriate standards in this regard. There are basic benefits that contribute to the welfare of firm members such as health benefits, sick leave, retirement plans and time away for family matters. The list will vary from firm to firm. But what more might firms consider?



Firms have different individual needs and can uniquely customize operations to satisfy those needs.

### **Set Aside a Planning Day**

Given the importance of getting to the real substance of this issue (not just determining how many goodies firm members get) we suggest the firm set aside a weekend planning day to identify where the firm currently finds itself and where it really stands on quality of life issues. Once understood, identify where the firm would ideally like to be with its future goals and then analyze the gap between the current

and future. Consider using the assistance of an outside consultant or a skillful professional to bring objectivity and input. In the end, identify a firm-wide plan for securing the identified goals and maintaining them long term.

### **Working for a Shared Vision**

Progressive firms operating on the cutting edge pay attention to these issues and reap economic benefits as a result. Additionally, the best and the brightest of the next generation of attorneys are judging their career choices on just these issues. Lastly, even the senior members will benefit from a firm that understands

the link between individual fulfillment and the success of the business. There is nothing more powerful than an organization of employees standing shoulder to shoulder with a shared vision and a simple and clear action plan. All of this creates a win-win environment with cooperative efforts, where individuals are acknowledged for their unique contribution and where law firms produce the highest standards of excellence for their valued clients. P

# Five Reasons Why Your Law Firm Should Have an Annual Firm Retreat

## Best Practices



**John Remsen, Jr.**  
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The Remsen Group is an Atlanta-based marketing consulting firm that works exclusively with law firms.

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In my work with law firms, I see far too many lawyers operate like sole practitioners who simply share office space. In today's increasingly competitive marketplace, it's more important than ever to behave like one, unified firm. A firm retreat, if done properly, can be an invaluable tool to build cohesiveness and improve quality of life for everyone. And recent studies show that a more cohesive firm focused on shared goals and objectives is also a more profitable firm.

Here are five reasons why your firm should institute a firm retreat:

### 1. To educate

You might choose to use a firm retreat to educate lawyers about an important topic, such as best practices in law firm marketing, changes in legislation or economic trends. Outside speakers can offer credibility when speaking about such issues, but you might consider also using your own people to talk about an area of their own expertise. I also strongly encourage firms to bring in a panel of clients to educate the firm about the importance of client service. There is nobody better to teach you about what you're doing well and how to improve client relations than the clients themselves.

### 2. To motivate action

In the day-to-day rat race, it's hard to get the attention of all the lawyers in your firm. It's even harder to motivate action. There's no better place than a firm retreat to create energy around a given task and encourage people to do something about it. It could be something as simple as motivating lawyers to get involved in more organizations or to develop stronger relationships with their existing clients. The key is to sustain the energy you create at the retreat once you get back to the office. Give people clear steps to follow once they return and hold them accountable to take action.

### 3. To announce firm-wide initiatives and achieve buy-in


Lawyers are inherently skeptical. It's one of the things that makes you good at your jobs. But it also can create a challenge in getting everyone to support important firm-wide initiatives. Firm retreats are a great venue to announce and explain such initiatives, while everyone is away from the Blackberries and cell phones. Create a forum for discussion so everyone's voice can be heard and taken into account in the plan for the future. In many cases, firms do not have these conversations simply because they cannot bring everyone together. If you make the effort to do this through a firm retreat, the buy-in is much more likely to develop naturally.

#### 4. To introduce lawyers to each other

Mostly in large firms, but also in some small firms, people simply do not know one another. Ask yourself if you really know what the folks upstairs or down the hall do. It's critically important to quality of life within your firm to get to know one another and build trust. It's tough to do when you're busy with daily activities, but it will happen inevitably over a game of paintball or an outdoor excursion. (And yes, I know firms that have done both of these activities at their retreats!)

#### 5. To build camaraderie

It's important to have fun together as well as work together. The more cohesiveness you build within your firm, the stronger your organization will be. A firm retreat lets you build the "glue" that will hold your firm together in volatile times.

Yes, retreats can cost a lot of money and require an investment of everyone's time. But it's money well spent if you develop clear objectives for your retreat and build the program accordingly. You might not be able to tangibly measure the results, but I can guarantee you will see positive changes from a well-planned and executed firm retreat. 

*For more information to assist you in planning your next firm retreat and to learn about The Remsen Group's firm retreat planning services, visit [www.lawfirmretreats.net](http://www.lawfirmretreats.net).*

## Plan a Firm Retreat at The Primerus National Conference

When making your firm retreat plans, consider holding it in conjunction with the 2008 Primerus National Conference at The Broadmoor in Colorado Springs, Colorado, October 22-26. The event allows you to not only connect with your Primerus colleagues, but your firm colleagues as well.



"The National Conference is the perfect opportunity for a firm retreat," said Primerus president John C. Buchanan, who once took his whole firm to Disney World for a firm retreat. "It's great to get together somewhere other than the office and have fun while also planning for the firm's future. It provides firms the opportunity to align the arrows and get the entire firm working in one direction."

This year, Primerus will offer a significant registration discount for the third registrant and beyond from each Primerus firm. Availability is limited so book your retreat as soon as possible.

The conference schedule allows plenty of time for you to participate in Primerus activities as well as spend some time together as a firm. Friday afternoon and Saturday would be the perfect opportunity to gather for a firm retreat.

Holding your retreat in conjunction with the National Conference also will prove cost effective as Primerus has already made the needed arrangements and has access to professional firm retreat facilitators for your meetings.

For more information about the 2008 Primerus National Conference, visit [http://www.primerus.com/files/nc\\_fullbroch08.pdf](http://www.primerus.com/files/nc_fullbroch08.pdf). For more information or to make plans for your firm retreat at National Conference, contact Chad Sluss at 800.968.2211.

## Save the Date in 2009



**February 26 – March 1, 2009**

Plaintiff/Consumer Group  
Mid-Year Meeting

JW Marriott Starr Pass Resort & Spa  
Tucson, Arizona



**April 23 – 26, 2009**

Primerus Defense Institute  
Convocation

Loews Ventana Canyon Resort  
Tucson, Arizona

# Lessons from my Dad and “The Last of the Good Guys” Club

Guest Editorial by Thomas G. Cardelli, Esq., Cardelli, Lanfear & Buikema, P.C.

My Dad was someone who had fun. I mean, he *really* enjoyed himself. He laughed – a lot. He also was a hard-working man. Though he was not a lawyer, he, like many of the “Greatest Generation,” worked two jobs to make ends meet. Even with this work schedule, he was able to touch all the bases.

In my mind, my Dad belonged to the mythical club called “The Last of the Good Guys.” These are guys about whom people commonly say things like: “He would give you the shirt off his back,” “Solid citizen,” “Nice guy,” or in my dad’s case, “Steady Eddie.”

To be admitted in “The Last of the Good Guys” club a person needs to have a full life that impacts others. With Dad, that meant fulfilling four categories:

1. Citizenship/Service to country
2. Family life
3. Work life
4. Church service

## 1. A citizen’s service to country

In June 1944, at the age of 19, Dad was part of the Big Red One as they invaded Normandy, France, on a beach the allies code-named Omaha.

He went on to fight in four other major campaigns. He never spoke much of his experience, but he admitted to me that he

was scared. He denied he was a hero. He believed that it was his duty to serve in the war to protect his country.

As a citizen, he believed in knowing the issues in order to speak about those issues. With an election coming up, he would tell all of us, “Read and then go vote.”

## 2. Being a role model for family

Dad and Mom were married for 52 years. Through his example, I learned that a man cared for his wife, his parents and his in-laws. When my maternal grandfather was widowed, he opened our home to him.

He gave each of us five children space. He was there to advise, but not to run our lives. He emphasized education, and he taught me and my brother every sport, showing the importance of physical fitness. He even taught us how to box, and with an older brother, that is not so much fun!

And then, there were the grandchildren. He could list each grandchild’s individual attributes. Not one of these nine grandchildren had a weakness, according to Grandpa. He was an active, participating grandparent.


## 3. A strong work ethic

He worked for 31 years at the same company, starting as a bookkeeper and later becoming its controller. He was a loyal and loved employee who absolutely enjoyed working. He and my mom had a second job,

which was very common for this era. They ran a home accounting business which serviced many entrepreneurs and small business people, most of them ethnic. They came to my Dad not because he was the best accountant, but because they had absolute trust in him. Many handed over their checkbook without question.

## 4. Spiritual service

He was a member of his church for 30 years, serving on the first parish school board and as the long-time parish festival treasurer. He was a friend and confidant of the priests, coaches and teachers who worked at the parish. He devoted countless volunteer hours and never complained about the time he gave, always looking at it as an opportunity to enjoy friendships. He was proud when the parish thrived.

Those are the simple categories for admission into “The Last of the Good Guys” club. Nothing fancy. No medals. You do not have to graduate from the best schools. You do not have to be the boss at work or make a lot of money. This was, in part, the eulogy I gave at my Dad’s funeral in 2000. He had a great life because it was an active life that he embraced. No matter how busy you are at work, involve yourself with everything that is important to you, enjoy the ride, and laugh – a lot. 

# Business | Corporate | International

Brian Davidoff

*BCI Practice Group Chair*



I write this column on my way back from the BCI mid-year meeting in Chicago. We had 22 attendees at the meeting including several potential new members. One of the nice things about reporting on an event shortly after the fact is that it still is fresh in your mind. For me, that leaves me feeling enthusiastic and optimistic. We covered a lot of new initiatives at the meeting, and I will briefly report those to you in this column.

Less than three years ago, the BCI group was still in its infancy trying to figure out what it was and how it fit in an organization that had its roots as a group of plaintiff and defense litigation lawyers. Well, we have come a long way, baby!

The morning session focused on making the BCI group more attractive to house counsel at large multi-state companies. Jim Hatcher, Senior Vice President and General Counsel of Cox Communications, gave a wonderful presentation. Jim was kind enough to share with us his thoughts about what it is that general counsel look for in the selection of law firms. To be sure, Primerus firms, which are smaller law firms throughout the country, are not going to be selected for “bet the company” type matters. Those matters will continue to go to larger law firms. But, Jim pointed out that Primerus firms represent a very viable alternative for much of the other work coming out of general counsel’s office. The focus of this part of the discussion was on the Association of Corporate Counsel, (ACC) and how Primerus is and can continue to make inroads into the ACC.

The morning discussion then turned to a discussion of the Multi-Jurisdictional Legal Opinions Initiative through which several Primerus members have banded together to offer legal opinions in multi-state transactions – something that otherwise could only be done on a coordinated basis by the largest of law firms. Much credit goes to my partner Andrew Apfelberg for getting this underway.

We also discussed at length the development of the specialty practice groups, which feed directly into making Primerus firms more marketable to the ACC. The idea behind the specialty groups is to be able to credibly market to general counsel, and others, with specialty legal needs that Primerus lawyers throughout the country can meet. Sue Laluk from Boylan Brown in Rochester, New York, reported on the Labor & Employment and Intellectual Property practice groups, and I reported on the Bankruptcy practice group. All three groups are now formed and have formulated standards for participation. They have all also begun the process of determining how to most effectively market their services. All these groups, however, are in their infancy and we welcome active participation by Primerus lawyers who meet the group’s standards.

The afternoon session changed focus from national clients to middle market company clients. Diane Niederman of the Alliance of Merger & Acquisition Advisors (AMAA) gave a presentation about the AMAA and the benefits of the affiliation

with Primerus members. For Primerus lawyers, who by and large focus on the middle market, the benefits are obvious of affiliating with, and getting to know, an organization whose membership is made up of nearly 500 financial professionals.

Finally we rolled out the Client Satisfaction Survey which Primerus uses at the election of a given firm to poll one or more of the firm’s clients. The survey can be tailored to meet the needs of each firm.

All of the above initiatives are exciting. They all present different opportunities for Primerus member firms. But in the end, to make them work for you, each of you needs to put in the effort. We can make the tools available but only you can use them.

A handwritten signature in black ink, appearing to read "Davidoff". The signature is stylized and written in a cursive script.

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# Defense | Litigation

Bob Brown

*DL Practice Group Chair*

This month's topic is "Quality of Life."

When I was asked to write on this issue, the first thing that came to mind is a famous quote I heard years ago: "No lawyer ever laid on his death bed and said, 'I wish I had billed more hours.'" Obviously, one of the reasons all of us practice law is to make money. In order to make money, we have to bill hours and have to require our associates to bill hours. However, if we don't make ourselves take time off to be with our families, unwind and recharge our batteries, we will never make it for the long run.

A few months ago, the Texas Bar Journal dedicated an entire issue to mental health of lawyers. There were numerous articles discussing the high incidence of alcoholism, depression, divorce, drug addiction and suicide in practicing lawyers. While we have the opportunity to do better financially than the great majority of the population, that opportunity does not come without a price. Trial law, which most of us practice, is one of the most stressful occupations a person can choose. Every day, we make decisions that can change people's lives. Every day, we must choose a course of action that can have disastrous consequences if we are wrong. We work long hours. We deal with people who are emotionally invested in their cases, and this emotion cannot help but affect us. How many of you have had the experience of winning a defense case with a catastrophic injury, and actually feeling bad about it because the plaintiffs were such

good people and so badly hurt? These are all stressors that if left untreated can lead to ruin.

For the first ten or twelve years of my practice, I never took a vacation longer than a four-day weekend. I made every excuse known to man. I was trying to make partner and didn't want to miss the billing. I was too busy. My clients weren't used to me being gone, and a week-long vacation would hurt my relationship with them. Finally, my wife laid down the law. Those of you that have had the pleasure of meeting Linda know who the boss in the family is. We booked a week with the kids in a tropical locale, checked the Blackberry at the door, and off we went.

To my utter amazement, I wasn't fired. I lost no clients. The associates didn't malpractice all of my cases. The earth continued to spin on its axis. What I learned is that I am really not as important as I had led myself to believe. I had hired good people, fully capable of running things while I was gone. It was both a humbling experience and a freeing experience. I was now confident enough in my staff, and the relationships I had built with my clients, to get away from the billable hour god.

Along with taking time for yourself, the next most important thing a lawyer can do is improve his or her experience at the office. This is where Primerus can help. Primerus likes to say they "help good clients find good lawyers, and good lawyers find good clients."<sup>SM</sup> One of the best ways to improve your quality of life is to improve the people

you deal with on a daily basis. Sometimes the best thing you can do is fire a client. We all have clients not willing to pay a reasonable fee, who have unrealistic expectations, and whose work doesn't seem to justify the financial rewards. Dedicate yourself, and utilize Primerus, to find clients who work with you as a team. Find clients willing to compensate you fairly, willing to understand you have a life outside of the law, yet who know when the going gets tough you will be there for them. Find clients who when you see their name pop up on caller ID, you look forward to answering the phone. For the clients out there, find lawyers who have your best interest at heart, who truly care about you and your work, and who have a proper balance in their life that will allow them to be there for you today and for years to come. Utilize events like the Convocation to build real relationships that will ensure success for both the Primerus firms and Primerus clients.

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# Plaintiff | Consumer

Edward Ricci

PC Practice Group Chair



As I was reflecting on the thoughts I wanted to share with you in this issue, I read a recent *Washington Post* piece by David Ignatius headlined “Reining in the Kings of Tort.”

Ignatius writes about the recent cases involving the fall of two of the country’s most prominent class-action lawyers, Melvyn Weiss and Dickie Scruggs. Weiss pleaded guilty for his role in a kickback scheme after being indicted on charges of conspiracy, racketeering, obstruction of justice and making false statements. Scruggs pleaded guilty to charges of conspiring to pay a state judge with \$40,000 in exchange for a favorable ruling in a case over dispute legal fees. Both were among the country’s most prominent and wealthy lawyers, winning billions in judgments against tobacco companies and other big corporations.

Ignatius concludes that what brought down Weiss and Scruggs was “a system in which the money just got too big.” He says, “The two had helped spawn an industry of class-action mega-cases that was so lucrative, the plaintiffs couldn’t bear the idea of losing. So the ‘good guys’ began to cut corners.”

What most impressed me about Ignatius’s balanced analysis is that rather than calling for tort reform or federal intervention, he suggests we better clean up

our own excesses, or someone else will. He says, “Nobody who remembers the primitive auto safety standards before Nader, or the arrogant power of the tobacco companies, would want a system in which consumers couldn’t challenge corporate wrongdoing. But the convictions of Weiss and Scruggs, two ‘kings of tort,’ tell us that something is seriously wrong in the plaintiffs’ bar. It would be nice if the class-action lawyers reformed themselves, but if not, someone should file a lawsuit.”

To me, there’s no more rousing endorsement for what we do within Primerus than that statement. As Primerus attorneys, we share a commitment to the Six Pillars – integrity, excellent work product, reasonable fees, continuing legal education, civility and community service. I believe it is our personal and firm-wide commitments to these principles that will lead to the kind of internal change Ignatius is challenging us to.

I have seen, over the course of my career, the professional and public perceptions of attorneys go into the gutter. Somewhere I saw the credibility of trial lawyers ranked below drug dealers. It’s disgraceful, and cases such as those of Weiss and Scruggs only make it worse. They show us that even the good guys are susceptible to the lures of big wins and big money. But a life of following the money can be very hollow. We must remember

that justice is the goal. Money is simply proof that justice was done. Money is not the goal – justice is the goal.

If you’d like to read the entire Ignatius article, it appears in the June 5, 2008, issue of the *Washington Post*. I think most of you will agree with me that one of the reasons we are a part of Primerus is that the Six Pillars are closer to our own beliefs about why we went into law in the first place, and that justice must be done. I’d like to challenge all of us to look for ways to help keep ethics, civility and community service the basis of the practice of law.

A handwritten signature in black ink that reads "Edward M. Ricci". The signature is written in a cursive, slightly slanted style.

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Just \$10 can feed a person for a month or help a local family make it through the week.

For the cost of a soda or cup of coffee, you can make a difference in the global food crisis.

## Stewart and Stewart Leads Silent Tsunami Campaign

Those are just two of the compelling facts that motivated the people of Stewart and Stewart in Washington DC to do their part to alleviate the crisis that rising food costs are creating for millions of people around the world.

Teaming up with fellow tenants of their office building at 2100 M Street, Stewart and Stewart kicked off the “Silent Tsunami Campaign” – an effort to raise awareness of the problem and collect \$20,000 this summer for the Friends of the World Food Program and the Capital Area Food Bank. By July 1, they raised \$20,801 and gathered over 3,000 pounds in food donations.

“People all over the world are dealing with higher energy and higher food costs. We know this is a time of challenge for us all,” said Terence P. Stewart, managing partner at Stewart and Stewart. “But individual contributions, whether large or small, can make a major difference in the lives of our neighbors at home and around the world. We are doing this in the hope it will galvanize others to get involved.”

The soaring price of basic staples such as rice could be a matter of life and death

for the two and one half billion people who live on \$2 or less a day, explained Stephen J. Norton, the firm’s senior communications advisor. He added that many of the world’s poorest people spend 50 to 70 percent or more of their income on food.

The campaign is aimed at inspiring voluntary and individual donations. Stewart and Stewart started the campaign with a gathering in the building lobby that featured presentations by recipient organizations and light refreshments. They further publicized the effort with posters, media coverage and articles about the global food crisis. The law firm also established a website ([www.silent-tsunami.org](http://www.silent-tsunami.org)).

Norton said the campaign was designed to be simple and easily replicated at other Primerus firms around the country.

“We have created a basic model – the graphics, the fact sheets, the step-by-step process,” he said. “We invite other firms and individuals to use our resources freely. It doesn’t matter who gets credit. It only matters that we respond to this human crisis.”

Some people donated by dropping coins in the bowl at the reception desk,

while others brought in food items or made online donations, according to Norton. He encouraged anyone interested in taking on a similar effort to work with their local aid organizations on how to earmark contributions for the campaign.

A report by the UN Food and Agriculture Organization warned it could take ten years to establish better market dynamics on food pricing.

“But tens of millions of people can’t wait that long,” warned Norton. “They need us to help them - today.”

### **If your firm wants to help:**

First, visit [www.silent-tsunami.org](http://www.silent-tsunami.org). There you will find links to many organizations involved in tackling the food crisis, such as the Friends of the World Food Program. Or think of ways you could create a similar effort at your firm to support charities of your own choosing. Contact Stephen Norton at Stewart and Stewart at 202.466.1274 for ideas or just to let him know you are getting involved.



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