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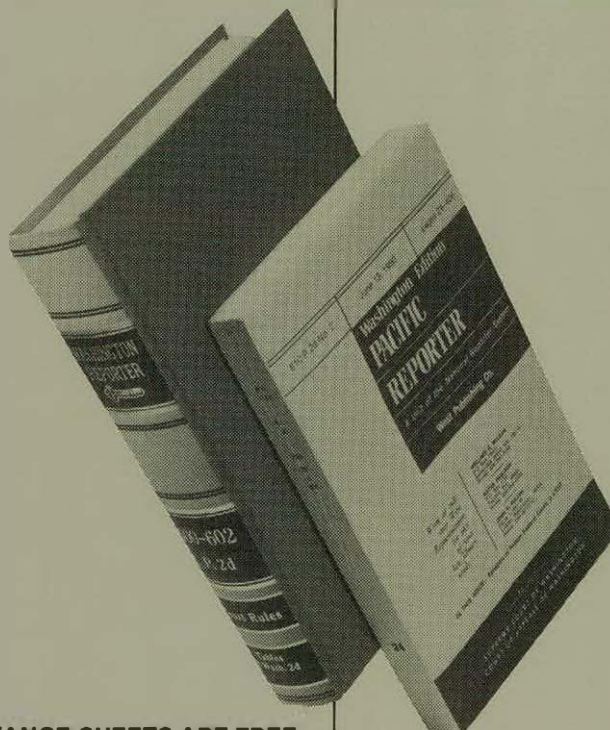
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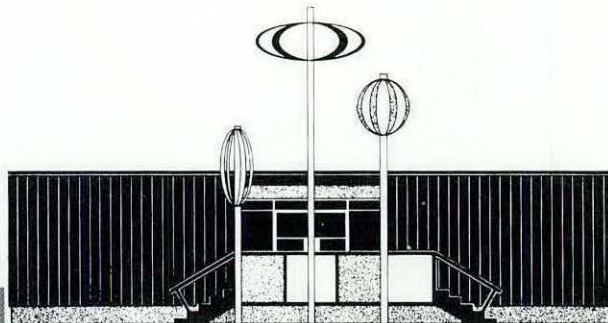
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WASHINGTON STATE BAR NEWS

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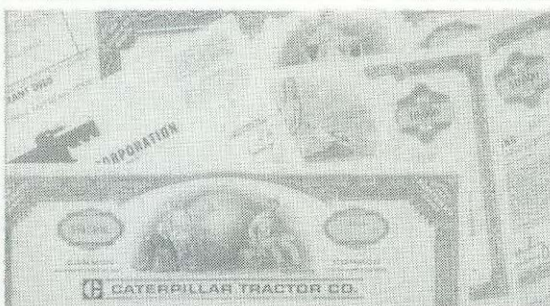
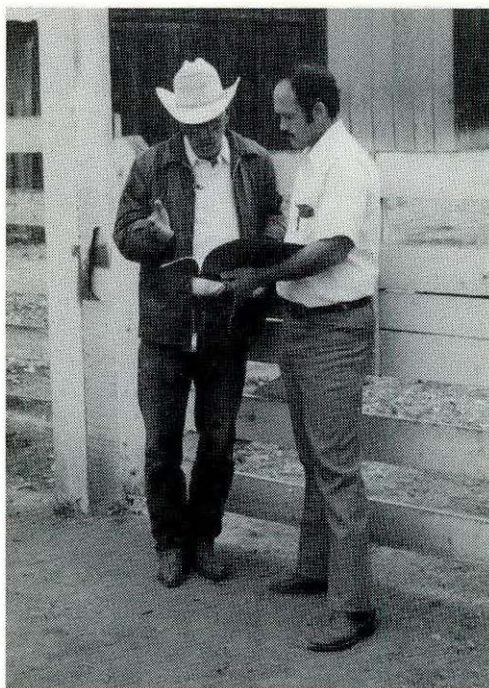
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Our Cover



The entire feature content of this special issue is devoted to law practice management. With increasing attention today being given to the business aspects of law practice, we focus on several topics of current interest, beginning on page 19. (Photo courtesy of B & O Innerspace)

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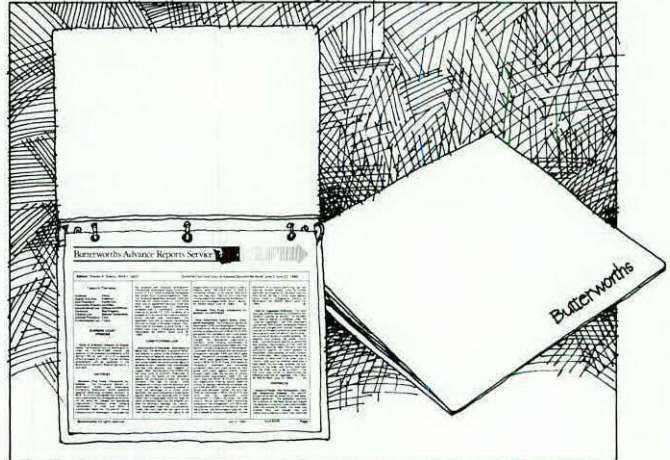
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Judge Envisions 90-Day Criminal Appeals

Editor:

You recently published a letter from Judge Kurtz regarding appellate delay in criminal cases. [*Bar News* 34:6:5] Our system is based upon the presumption that a criminal case can be fairly and fully prepared for trial in less than 90 days — that a delay beyond that time is unconstitutional, and requires a dismissal with prejudice. After the trial, some magic seems to attach to the proceedings whereby a delay of one, two or three years in the appellate courts becomes completely acceptable.

I agree with the presumption that we can fairly try a criminal case within 90 days. I also see no reason why an appeal should normally take any longer. Enlarging somewhat upon Judge Kurtz's premise, let me suggest the following basic system as a method of solving the problem:

Establish a panel of criminal appellate judges: This panel would be hearing only criminal appeals, develop an expertise in this area. This would facilitate quick recognition of frivolous appeals, in-depth treatment of cases presenting serious issues, and, as pointed out below, an accelerated process for announcing decisions.

Eliminate long delays in preparation of the record: Criminal cases would be electronically recorded. The tape itself would be immediately available and would serve as the record. If a party felt a particular portion of the proceedings was sufficiently relevant to require transcription, that party would have it typed and attached as an appendix to their brief.

Briefs would be filed more quickly: Appellant's brief would be due 35 days after filing of the Notice of Appeal. Respondent's brief would be due 28 days after service of appellant's brief. Requiring briefs to

be filed within this time frame might help convert into fact what is now largely a legal fiction — that all relevant, legal research is done as a part of proper trial preparation.

Argument would be scheduled promptly: Oral argument would be heard within 35 days of the filing of the appellant's brief.

Decisions would be promptly rendered: If the case was of non-precedential value, advance preparation and acquired expertise of the panel would allow the announcement of the decision from the bench at the conclusion of oral argument. The decision would be transcribed and filed as an unpublished opinion. In cases of precedential value, thirty days should be sufficient for preparation and filing of the opinion.

I believe that we have accepted these appellate delays simply because they are there. They don't have to be.

It is less than satisfying to juggle civil cases on the trial calendars so that we can continue to grant speedy criminal trials in September of 1980 knowing that the case won't finally be resolved until 1982 anyway.

DAVID W. SOUKUP

Judge,

King County Superior Court

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Encore for Justice Hale

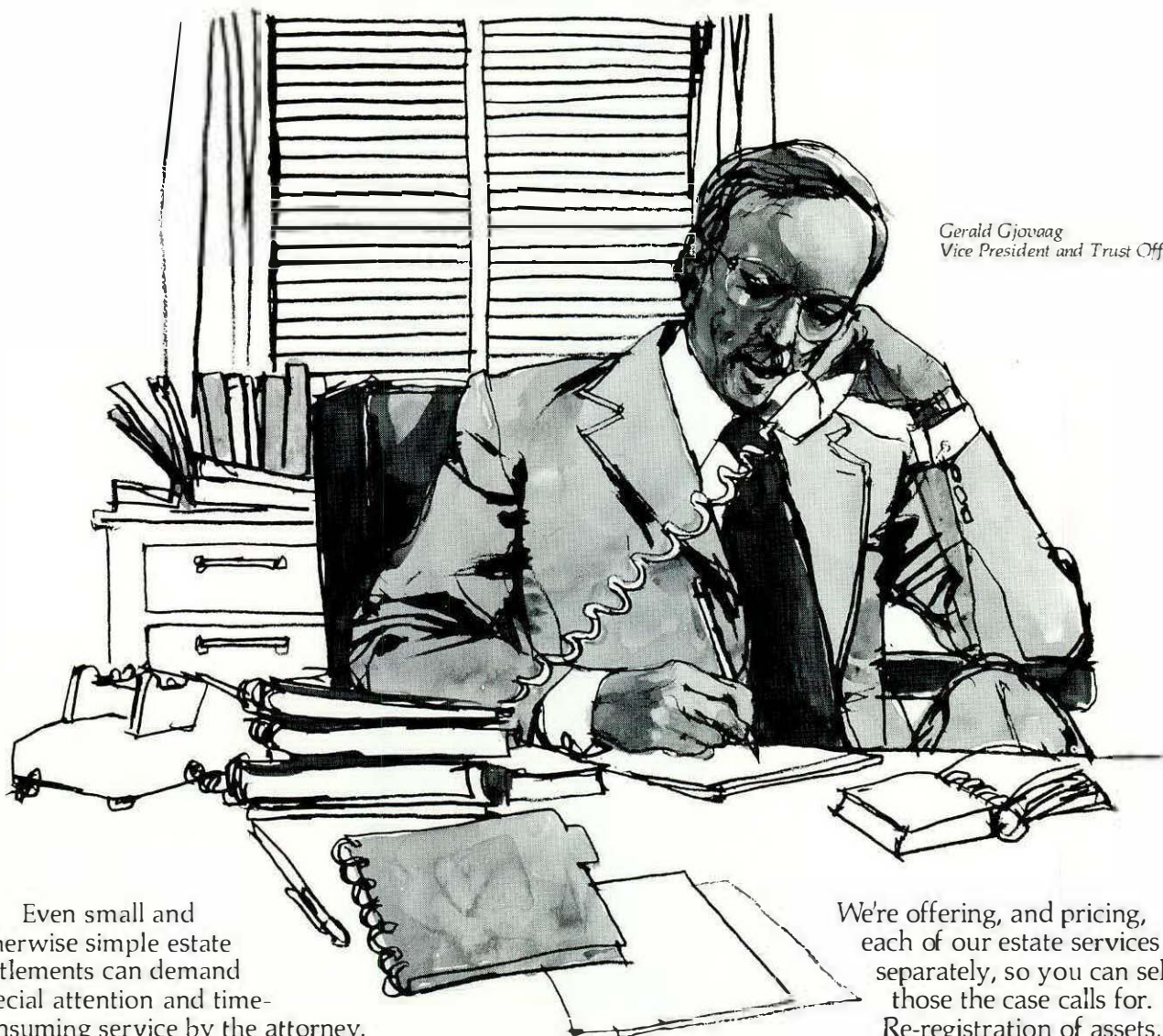
Editor:

Quotations from several opinions written by Justice Hale during the year I clerked for him appeared in your July 1980 issue. One of my favorite passages was omitted, however. That year he dissented in a case on an evidence question regarding the admissibility of safety standards offered by the defendant ladder manufacturer against the plaintiff who

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was injured when the ladder collapsed.

His dissent was prompted in part, I think, by the unfair burden he thought the majority's decision placed upon the plaintiff. He let the majority know just how unfair that burden was in *Nordstrom v. White Metal Rolling and Stamping Corp.*, 75 Wn.2d 629, 453 P.2d 619 (1969), when he began his dissent in typical fashion:

All Philip J. Nordstrom wanted to do was buy a stepladder. He bought one at the Fuller Paint Store, 720 North Fairview in Seattle, for \$17.32, thinking he knew what he was about. Little did he know, for the ladder gave no premonitory signs, that one day, in a court of law, its buyer would be required to meet and match the combined cerebral output of representatives from Associated General Contractors of America, Association of Casualty and Surety Companies, Association of American Railroads, American Ladder Institute, American Petroleum Institute, National Association of Mutual Casualty Companies, American Federation of Labor, Congress of Industrial Organizations, the Army, United States Department of Agriculture, Bell Telephone, American Telephone and Telegraph Company, National Lumber Manufacturers Association, Metal Ladder Manufacturers Association, United States Department of Labor, Bureau of Labor Standards, and other organizations, including mechanical engineers, safety engineers and fire fighters.

...I am sure that Mr. Nordstrom has not ceased to wonder how a household stepladder could bear the weight of so heavy a sponsorship and support a householder, too.

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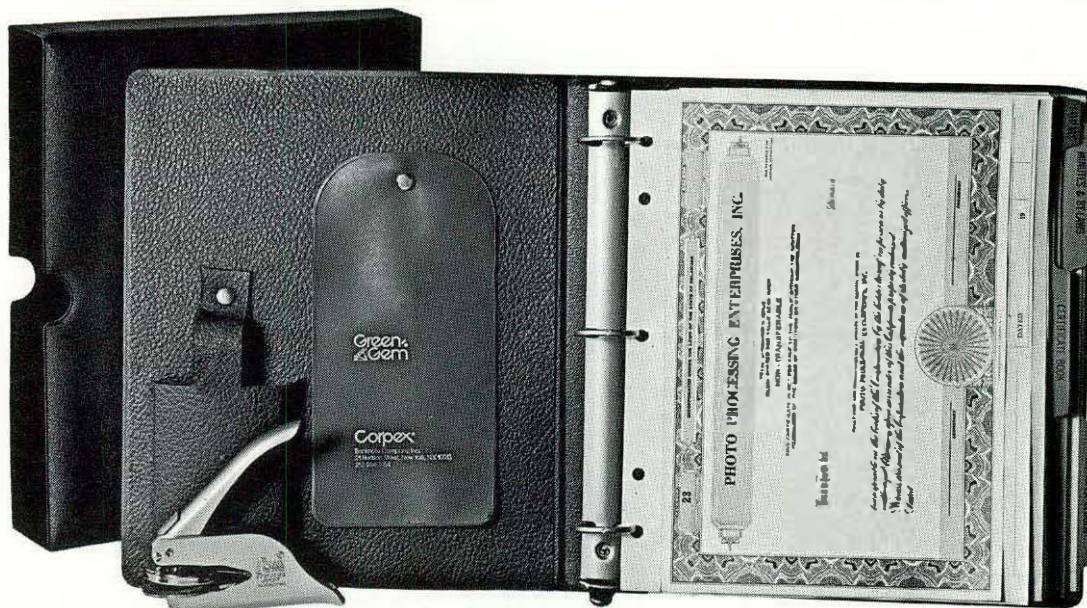
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Time Out for Law Practice Management

One of the nice things about quitting this job in June but hanging around on the masthead until the end of the year is that persons who do not know me very well might believe that I had something to do with this very special issue of the *Bar News*, when in reality they would only be giving me credit for something which is the hard work of others.

Our thanks obviously go to each of the by-line contributors, but I want to publish here what would otherwise go unpublished: this project was made possible by the extraordinary effort of the bar association's Department of Public Affairs, headed by Wayne Wilson. Wayne, who had the idea of doing this, tells me that all of the "real work" was done by Dennis Eagan, Katie Corrigan, and Karin Foster-Garrison of the bar association staff, who brought this project together in addition to performing all of their regular duties.

This is the largest issue of the *Bar News* which ever has been published, and it is fitting that it is devoted to a topic of keen interest to every lawyer who has ever thought about it: law practice management. This issue collects articles covering a number of topics in this field, including law office design, docket control, communications, word processing, and the use of paralegal assistants.

There appears to be a great need for this type of information as the sophistication of management techniques

and equipment grows, and as the pace of modern day law practice increases. This issue is a first major effort in this area. As such, it is what we anticipate will be a step toward more frequent coverage of law practice management concerns. We have not attempted to be all things to all people in this single, albeit large, issue. Indeed, some topics are discussed in more than a single article in order to provide a more concentrated coverage of those areas.

Your comment is invited. Are we correct in assuming that the Bar would welcome the publication of more information about law practice management? Has the information published in this issue been useful? What additional topics should be covered?

This issue of the *Bar News* will enjoy a broader audience than usually is the case with this magazine because it will be distributed as a hand-out to registrants at a regional seminar, "Managing The Growing Law Firm Today . . . and Tomorrow", sponsored by the Association of Legal Administrators and the CLE Committee of the state bar association, to be presented in Seattle on September 24-26.

* * * *

It would be nice if law practice were like an athletic contest during the course of which either side could call for a "time out" so that a lawyer would have the opportunity to forget

about law practice and office management and devote time to sleeping late, catching up on reading past issues of the *Bar News*, or going to lie on a beach somewhere.

Thanks to Art Butler, who has the misfortune of practicing law with me, I can report to you that if you get the right judge you can arrange for a "time out". Art came across a pre-trial order entered last year in some very complex electronic products anti-trust litigation by Edward R. Becker, who is a United States District Court Judge for the Eastern District of Pennsylvania.

After settling a number of minor issues (e.g., the time for trial was limited to one year), the court's pre-trial order states: "In view of the pace at which this litigation has proceeded, particularly over the past several years, and given the incredibly onerous burdens upon counsel, the Court hereby serves notice that if conditions do not improve, it may invoke the "Time Out" Rule, set out as Appendix B."

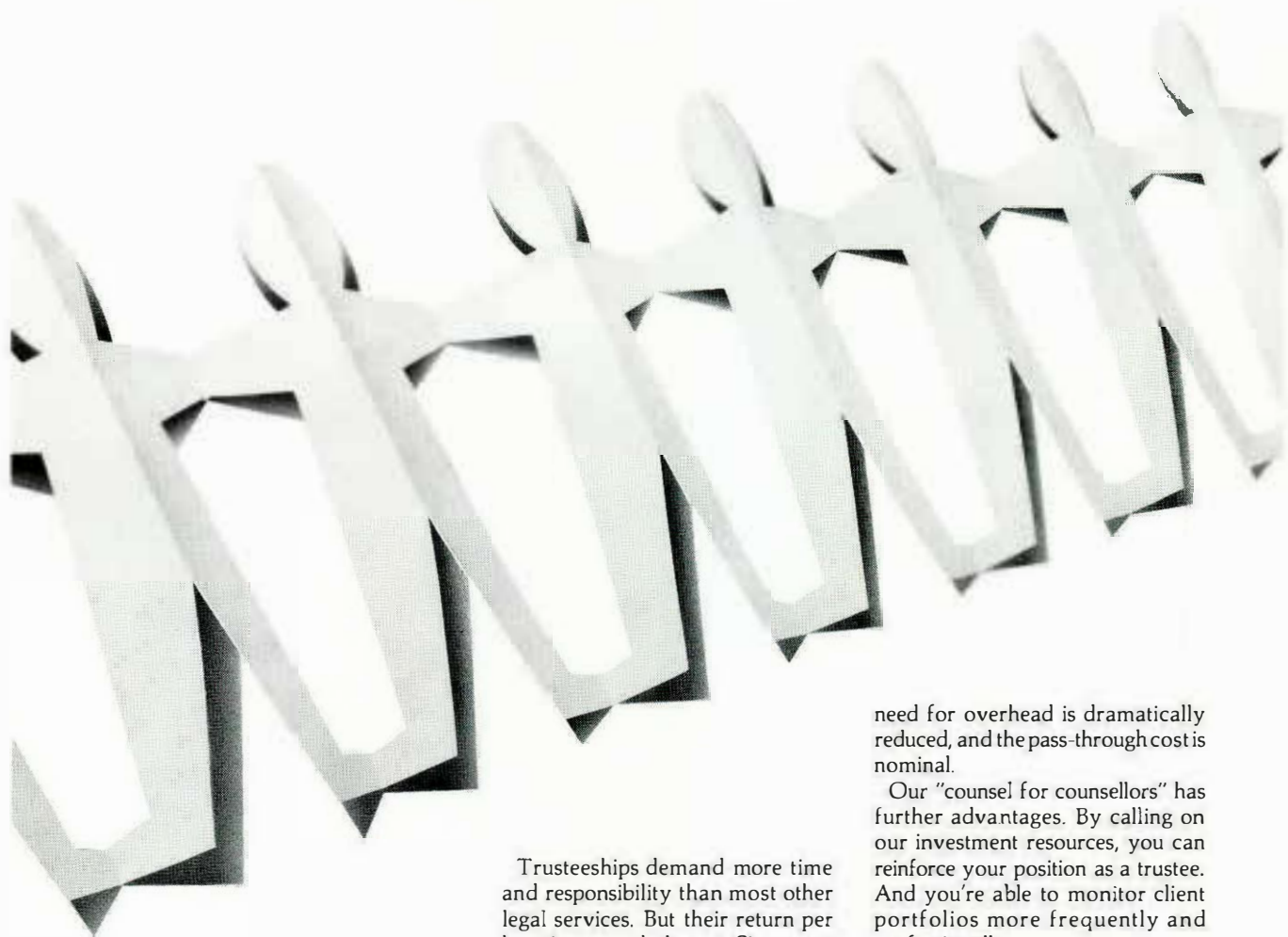
Here is the full text of the Appendix B:

"Time Out" Rule

A. *Statement of Rule*

For no good cause shown each side will be entitled to three (3) time outs between now and the date of trial. [In a footnote, the court states: "No good cause shown is defined as family events, such as anniversaries,

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birthdays, sporting events involving siblings, laziness, genuine ennui (pronounced NUI); drunkenness, firm events, such as annual dinner dance or outings; and anything else which helps attorneys to keep their sanity during the course of these proceedings."] A time out is defined as a one week period in which no discovery can be served, all deadlines are postponed and counsel can generally goof off.

1. The procedure for calling a time out will be as follows:

Both plaintiffs and defendants will designate one individual as the official time out person (hereinafter referred to as the "Designated Whistler"). The designated whistler will be issued a whistle from the case liaison logistics committee which will be strung around his, or her or its neck. When a time out is desired, the designated whistler will go to the offices of opposing lead counsel . . . and blow the whistle three (3) times.

Thereafter there will be a one (1) week time out.

2. As stated above, each side is entitled to three time outs. However during the period of the two month warning (see ¶ B below) each side will be entitled to only one time out, providing that side has remaining at least one time out.

3. Time outs must not be called on two consecutive one week periods. That is, there must be an intervening week between time out periods. This rule is designed to prevent counsel from spending more than one week of their time with their family, friends, partners and associates.

4. As stated above, each side will be entitled to only three time outs. Any attempt by any side to exceed this three time out limit will be regarded by the Court as a serious infraction of the rules (hereinafter "illegal use of whistle"). The sanction for illegal use of whistle will be

that such counsel attempting to exceed the three time outs will have his, her or its desk moved five yards (in the event of a non-flagrant violation) or fifteen yards (in the event of a flagrant infraction) further from the jury box at trial.

B. Two Month Warning

As stated above, there will be a two month warning. Such a two month warning will be called by the Court two months prior to a trial. At this point, there will be a three day stoppage of the clock in which all counsel will be required to get their personal affairs in order. Personal affairs will include such items as Last Will and Testament, final instructions to spouse and family, arrangements for publication of memoirs and other less important details. During the two month warning, the clock will run continuously except for time outs described in ¶ A above.

End quotation. Time out.

JVW

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How Much Do We Need Foreign Expertise?

A very interesting matter has been raised recently in a case now pending in our Courts. Without calling attention to the case by name, it involves the privilege of a lawyer from another state trying a lawsuit here.

The defendants are attempting to have plaintiff's counsel removed from the case, on the ground that plaintiff's lawyer is unethical in that certain prospective plaintiffs were solicited on a one on one basis - not only in this case, but in other litigation that plaintiff's counsel was involved in.

The defendants argue that the total effect of plaintiffs counsel's conduct in this case, as well as others, renders plaintiff's counsel unethical and therefore they should not be allowed to proceed. Plaintiffs argue that plaintiff's counsel is in "good standing" in their home state, and that is the sole criteria that should be considered by the trial judge in determining their fitness to proceed. They also argue that they are experts in this field of litigation and that the plaintiffs will be best served by them.

These circumstances pose a number of serious questions, at least, on a long-range basis.

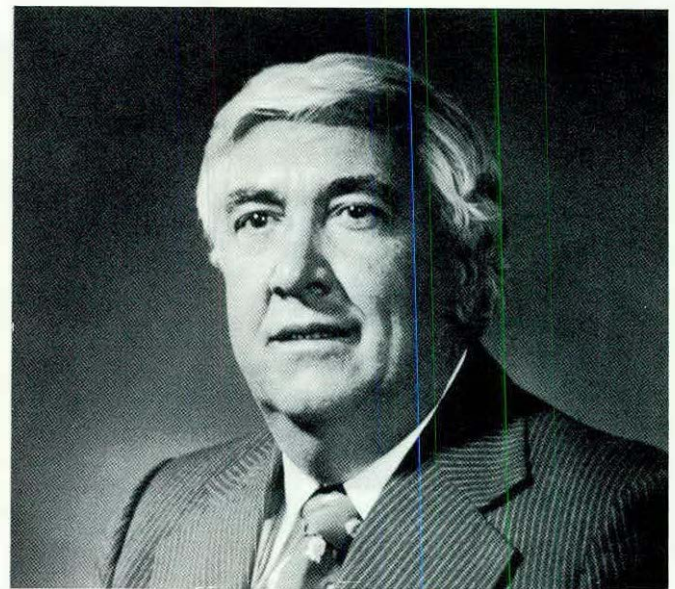
Should there be a Uniform Admissions Standard for all states? If so, should there be a Uniform Code of Responsibility for all states? If not, should ethical violations of the venue or jurisdictional state be controlling? Should we allow any lawyer who practices in any other state the privilege of practicing here so long as he or she is "clean" in his state, even though he may be "in violation" in our state? If a lawyer is known to be in violation in our state, tried and found not to be in violation in that state, must he or she be "tried" for the same violation in our state? All sorts of interesting circumstances can be envisioned.

My point in these observations is:

Are we as a Bar association going to remain solely the Bar Association of the State of Washington, or are we heading directly into a situation where there will be no state boundaries and where the admission to the practice of law in any state admits one everywhere - some sort of a Federal Bar?

Do we really have what is commonly referred to as a "States Rights" question insofar as the practice of law is concerned?

This, as a practical matter, is hard to answer. There are exceptions in sensational cases. However, in almost every other case, a lawyer "in good standing" in any



other state is allowed to practice in our state as long as he or she has "local" counsel. Local counsel moves foreign counsel's admission for this particular case. However, there is no other certification as to whether disciplinary action is pending against this lawyer or any other matter that would affect qualification other than he or she is a member of a foreign bar.

I think most of us who have played the local role simply say that the lawyer is admitted to the practice in some state, and the trial Judge responds by a mere greeting and the trial proceeds. Local counsel usually "assists" by knowing all about the local rules of practice, as well as the local rules of evidence. What other role does the local play? He or she might help try the case or prepare it, for that matter, but is not required to. I suppose local's only other role is to some way insure foreign counsel's conduct throughout the case. The latter role is just impossible.

Suppose the foreign lawyer does something unethical during trial? Unless there is some judicial contempt proceeding, the lawyer after the case is over just dons his pork pie hat, walks out of the courtroom and is no longer heard from. No disciplinary proceedings can be instituted against him or her here and very likely none will be instituted in the home state.

I don't know a single case in Washington or elsewhere where a local lawyer was disciplined for the conduct of a foreign lawyer, and that is the way it ought to be.

There are some hard arguments pro and con as to the "States Rights Theory".

There are some states which have adopted, in their entirety, the Federal Rules of Practice in both Civil and Criminal cases, as well as all of the Federal Rules of Evidence (whatever the hell they are), and hence can argue that all states ought to be uniform in every respect

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and, if so, why not erase these state lines. They argue further that we ought to have a Uniform Bar Exam and Uniform Rules of Discipline. This would simplify things and would enable the (consumer) client more range in his or her choice of counsel.

It's time to review our system. In dealing with the problem, I suggest that we tighten up a bit. Perhaps we ought to make it more difficult for one to practice in our state, irrespective of one's "clean" standing. Perhaps we ought to have anyone who comes here from some other state certify in some fashion that if he or she violates our Code of Professional Responsibility, that he or she consents to our Rules of Discipline, and should he or she be suspended or reprimanded that this penalty be carried out in his or her home state as well as here.

The question of discipline is only one aspect to this problem - the other quite obviously is the loss of revenue by our state's lawyers.

I can see the day forthcoming when all of the good plaintiffs cases are going to be run in some big-time big-city office and also the day when defense counsel in all cases is going to be chosen out of the "home office" of the insurance carrier. Insurance companies are not far away from that step right now. If all of the state barriers are dropped, it's not inconceivable to me that even Seattle will be looked upon as a small town and all the business will go to Los Angeles.

I think a simple cure would be for our courts to appoint lead counsel (this is done in virtually all multi-district litigation cases by the Feds), make sure he or she is resident counsel, and let all of the plaintiff's lawyers divide the fee according to our Code of Responsibility. This surely protects the client in all cases unless, of course, it could be safely argued that there are no counsel in the state that have such expertise.

There are many simple tongue in cheek answers to obviously highly complex problems. I just want to toss this article out for your thoughts and your suggestions. It really is a matter that is hell bent and it is doubtful whether any action by our courts other than a determination of one's ethics insofar as his privilege to practice is concerned will be considered.

I personally feel that locally we have the legal expertise and ability necessary to properly represent any client and that consideration ought to be given this fact in any subsequent move and that the system as we now know it ought to remain the same with some improvement.

The 1980 State Bar Convention CLE Preview - Part III

John J. Michalik

Director of Continuing Legal Education

In this column we conclude a brief preview of the CLE seminars to be presented at the 1980 State Bar Convention in Honolulu during Convention Week, Tuesday, November 4th through Saturday, November 8th. All convention seminars run from 8:00 a.m. to 12:00 noon and each seminar carries 4.00 CLE credits. Please refer to the July and August *Bar News* CLE CLEARINGHOUSE columns for notes on other seminars.

On Wednesday, November 5, 1980, the State Bar's Young Lawyers Section and Real Property, Probate and Trust Section are combining to co-sponsor a general *Update In The Law* seminar. Developments in the real property and probate areas will be covered by Seattle attorneys Omar Parker, Jr. and Tom Gores. Recent developments in a number of other important areas will be covered by the Young Lawyers Section, with the speakers being Tom Dreiling, Wendy Gelbart, and Keith McClelland — all of Seattle.

The schedule for Thursday, November 6, 1980 includes two seminars.

One of these programs is a joint effort of the Bar's Administrative Law and Environmental Law Sections. In addition to important segments on recent developments in Administrative and Land Use Law at the federal, state, and local levels, this program will, among other things, cover "Efficiency in Governmental Regulation" and "Presenting an Effective Case in Complex Administrative Hearings". Speakers for this program are Administrative Law Judge John Von Reis of Olympia, Seattle attorneys Ellen Peterson, William S. Weaver, and Richard R. Wilson, and Bellevue lawyer and Puget Power President, John W. Ellis.

The second program on the morning of Thursday, November 6th is a combined effort of the Family Law and Creditor-Debtor Sections of the Bar Association. The Creditor-Debtor Section will focus on an *Update on the Bankruptcy Reform Act*, with the panel consisting of Seattle attorneys Eugene A. Craig and Larry B. Feinstein, and Judge Robert W. Skidmore of Tacoma. For its portion of the program, the Family Law Section will present coverage of a variety of related matters including "Bankruptcy at the Time of Divorce", "Non-Nuptial Contracts", "The Washington State Parentage Act", and "Joint Custody Problems". Speakers for this include Daniel W. Giboney and Kathleen M. O'Connor of Spokane and Seattle attorneys Patricia Kaiser, Carlos Velatequi, and Margaret Sandelin. □

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The Importance of Effective Law Practice Management

by RICHARD C. REED

The demands of the 1980's for the efficient delivery of quality legal services at a price the client can afford to pay place upon all practitioners the responsibility for effective law practice management. This responsibility falls alike upon solo practitioners, large and small firms, corporate counsel and government attorneys, for in each situation the survival of the profession is dependent upon the ability of the profession to fulfill the reasonable expectations of the public.

Recognizing this need, the Board of Governors has increasingly placed emphasis on programs that will lead to sound law practice management. This issue of the *Washington State Bar News* reflects that consciousness. Further evidence of that awareness was the 1979 program in Vancouver at the Annual Meeting on "Law Office Management for all Practitioners with Special Hints for Small Firms and Recently Admitted Lawyers" and the September 1980 conference for larger firms "Managing the Growing Law Firm Today and Tomorrow."

What is management as it relates to law practice, how do you relate the various aspects to the whole, how do you become a good manager, and what are the advantages and results of effective management?

A lawyer is both a *technician* and a *manager*. As a technician, the lawyer should employ those lawyering skills that by definition only a professional can perform. Law schools teach students how to be technicians. Bar examinations are designed to test those professional technical or substantive skills as a prerequisite to admission. CLE programs for the most part are designed to instruct in substantive areas of the law.

Unfortunately, most law schools have failed or refused to teach students how to manage or to even recognize the

need for effective management. As a consequence, newly admitted lawyers start their careers without training in management and are admitted to practice without having been examined on aspects of management. Those who associate with an established firm acquire by osmosis the habits and practices of management utilized by the firm with which they have become associated—for better or for worse depending upon the level of management of their particular firm. Those who hang out their own shingle are left to learn the hard way, primarily by trial and error.

At this juncture it is useful to point out that law practice management should be a concern of all lawyers and that it consists of two major aspects:

First, there is the management of the substantive side of law practice, the techniques for effectively producing the product (i.e. client services).

Second, there is the management of the administrative or business side of law practice, the nuts and bolts of operating efficiently on a cost-effective basis.

Traditionally, "law office management" has been thought of as only relating to the latter, the money-grubbing, economic, business aspects of practice, the things that only a managing partner needs to know. This traditional but erroneous view is manifested by the disdain shown by law school faculties in excluding management courses from the law school curriculum and the position taken by some CLE administrators that law office management courses are not proper for CLE accreditation. Fortunately, the Washington CLE program has been enlightened, and was in fact the first state with mandatory CLE to accredit management courses.



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The management of the substantive side of law practice includes a wide range of techniques and practices, all of which relate to how effectively legal services are delivered. The location, layout and design of the law office affect efficiency. The recruiting, hiring and training of lawyer and non-lawyer staff is critical, for people are the most important asset of any firm. The choice and utilization of equipment has a daily influence on production of work. Even the availability of supplies is important, for the lawyer-genius without a tablet ceases to function.

The management of the substantive or professional side of law practice involves the effective utilization of time, the determination of work priorities, the need for a fast turnaround of work, the employment of systems for work processing, methods for keeping the client informed of the status of pending matters, telephone manners, and the art of delegation. Also on the substantive side is the need to be informed of current developments in substantive law in areas of practice. The retrieval of past work products relates to the ability to currently provide legal services without reinventing the wheel. The use of computerized legal research systems utilizes modern technology and reduces the time required for substantive legal research.

There is nothing wrong with being a technician; in

fact, in the final analysis the practitioner must retain and perform the basic tasks of lawyering in researching, counseling, negotiating, advising and litigating.

The problem arises, however, when the lawyer retains tasks which can be performed by non-lawyers. The art of delegating permits the lawyer to maximize efficiency by delegating tasks to that person, lawyer or non-lawyer, who is capable of acceptable performance at the lowest cost per unit of work. Effective delegation systems for work-processing *must* be developed. "Systems" in this context includes standardization of repetitive tasks, written instructions, automatic responses and the fixing of responsibility as to who does what and when. Word processing becomes an integral part of the systems approach to law practice. The selection of appropriate equipment, the training of word processors and the effective use of this technology has, indeed, revolutionized the practice of law.

The systems approach involves the "team concept," whether it is a team of one lawyer-one secretary for the solo practitioner, or a team of several lawyers, one or more legal assistants, word processors, administrative assistants or legal secretaries. The effective use of paralegals inheres in the team concept approach and permits the firm to reap the benefits of delegation.

A related and useful concept in the management of the



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substantive side of law practice is the "functional approach" in which jobs are classified and tasks are assigned based upon the function to be performed. Instead of having each legal secretary type, file and do copy-machine work, document production is assigned to word processing specialists, filing to file room personnel, and copy machine work to copy specialists, in each case utilizing the most efficient and least expensive unit of labor. Specialization by lawyers is another manifestation of the functional approach. The tort lawyer does not handle labor law cases, and the probate specialist does not handle a DWI matter.

The work capacity of the lawyer who works solely as a technician is limited to the number of hours that the lawyer is willing to work. The lawyer who acts as a manager of the substantive practice by the artful use of delegation can expand total productivity on a geometric basis, thereby more effectively providing service to clients. There is a leveraging that results from this type of management with benefits both to clients and the firm in terms of work produced and the cost (and hence the charge) for work produced, resulting in either lower costs to the client, increased profits to the firm, or a combination of both.

Thus far we have spoken of the importance of management of the substantive or professional side of law practice. Of similar importance is the management of the administrative or business side of law practice. All practitioners work for one or more clients. Corporate counsel work for a single client; government lawyers work for the agency that employs them, and private practitioners work for numerous clients. In all instances, there is the need for management in budgeting, fiscal planning, cost accounting, cost-efficient hiring and training, and in the efficient utilization of people, equipment and plant. This is of increasing importance due to the more capital-intensive nature of law practice and the pressures of inflation.



Richard C. Reed is a partner in the Seattle law firm of Reed, McClure, Mocerri & Thonn. He serves as chairperson of the Committee on National Conferences of the ABA Section of Economics of Law Practice.

In the private sector there is the need for fair, equitable and efficient billing practices with responsible management of accounts receivable. Time record keeping as a basis for determining the cost of producing work and determining efficiency applies alike to government lawyers, corporate counsel and private practitioners.

File control and diary or docket control systems are indispensable to insure good service to clients and to avoid malpractice claims which result from missing critical deadlines.

When viewed from the standpoint of the effective delivery of legal services the management of the administrative side of law practice is fully as important as the management of the substantive side, indeed, the two are inextricably intertwined.

Ultimate management responsibilities include a variety of things all of which are vitally important, such as:

- Planning
- Organizing
- Directing
- Coordinating
- Controlling
- Financial planning and management
- Determining fee policies
- Billing
- Developing and maintaining clients
- Determining policy
- Reviewing operating results
- Controlling quality of product
- Hiring and training qualified personnel
- Utilizing systems

The need for management exists for both the solo practitioner in the remotest hamlet and the largest, most sophisticated urban law firms. The principles that apply are identical, differing only in level of sophistication and complexity.

In the era of the 1980's when there is increased dissatisfaction with the legal profession and its ability to provide effective services within the traditional boundaries of practice, it is vital that all lawyers strive for improved law practice management. The need exists, but how to accomplish it, and where can lawyers go to learn how to be managers?

The answer lies in doing some or all of the following:

1. Attend seminars sponsored by the Washington State Bar Association, both at annual meetings and in separate seminars.
2. Join the Economics of Law Practice Section of the American Bar Association. Members receive an excellent publication, *Legal Economics*, published six times per year (cost to ABA member \$12.50 per year).
3. Obtain a free catalog of publications and audiovisual materials from the ABA Economics of Law Prac-

tice Section and utilize those materials in your practice.

4. Subscribe to one or more of the following manuals with periodic supplements:

"How to Manage Your Law Office"
(Altman and Weil, Inc.)

"Manual for Managing the Law Office"
(Prentice-Hall, Inc.)

Law Office Economics and Management
(Callaghan and Company, 6141 North Cicero Avenue, Chicago, IL 60646).

5. Purchase *The Lawyer's Handbook*, published by the ABA Economics of Law Practice Section, an excellent source with annual supplements updating the materials.

6. Attend the Annual Institute on Law Firm Management, sponsored by the Institute of Continuing Legal Education, University of Michigan, Ann Arbor, designed for both lawyers and legal administrators.

7. Attend the Tenth National Conference on Law Office Management to be presented by the ABA Economics of Law Practice Section in 1982 to focus on the cutting edge of new ideas, methods and technology.

8. Attend the ABA Regional Roundups scheduled at various locations around the country featuring nationally known speakers on basic subjects.

9. Watch for the soon to be announced seminars on Financial Management sponsored by the ABA Economics of Law Practice Section and to be presented on a regional level.

10. Consider employing a private management consultant such as:

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Ardmore, PA 19003)

Daniel J. Cantor & Associates (Suburban
Station Building, PA 19103)

William C. Cobb (Suite 4720, 1100 Milam
Building, Houston, TX 77002)

Bradford W. Hildebrandt (1767 Morris Avenue,
Union, NJ 07083)

11. Encourage and support your local and state bar association in practice management programs.

These are but a few of the sources of information that are available and the things-to-do list reflects some of the more available, easy to do approaches. More extensive sources abound, and there is a much higher level for participation in management for those who become intrigued with the transforming and exciting possibilities of good management. The guide and bibliography prepared by Bob Bigelow is published in this issue for additional sources of information. Those who desire in-depth information on published articles should consult "Law Office Information Service," a computer run bibliography on material on Law Office Economics, obtain-

able through the Economics of Law Practice Section, with indexing by title, author and source document.

We invite you to read on and to relate the offerings contained in this issue. As you proceed, remember these three notions:

FIRST: The ultimate objective of law practice management is the efficient delivery of legal services so that the needs of your clients and your prospective clients can be effectively met at a cost the clients can afford.

SECOND: Effective law practice management involves both the substantive or professional side of your practice and the administrative or business side, both of which sides affect every lawyer every day of his or her professional life.

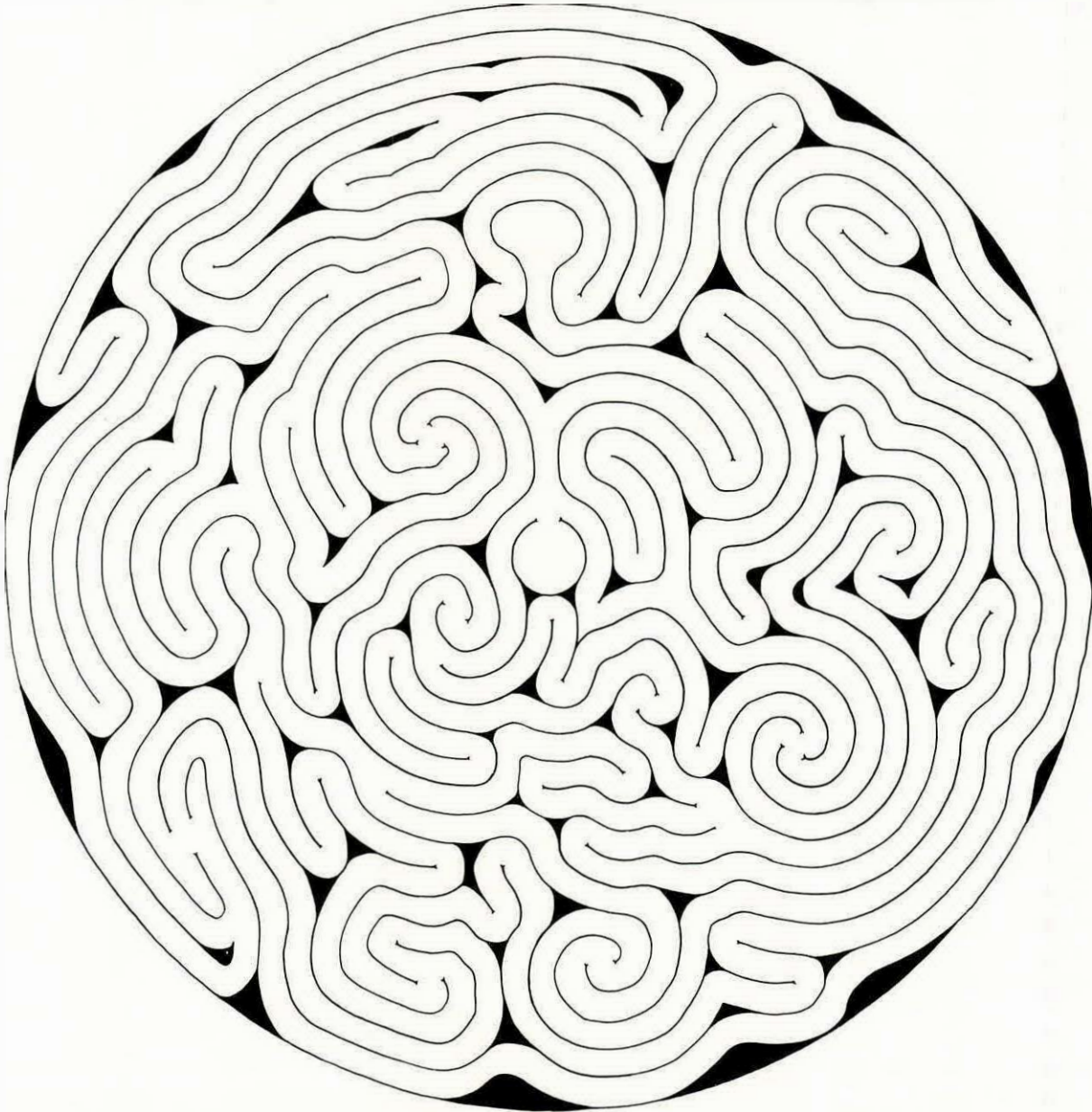
THIRD: Effective law practice management is an awareness of a need, a recognition of the importance of management, the need to learn, to change in order to utilize evolving technologies and methods and to satisfy the requirements of our clients.

Only those lawyers who manage well in the 1980's will survive to practice in the 1990's. ☐

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Building a Law Office: A Lawyer/Client's Perspective

by CHARLES R. LYON

Five lawyers, Charles Lyon, Vince Beaulaurier, Bill Weigand, Lonny Suko, and Eric Gustafson, recently built a new law office building in Yakima. On February 15, 1979, the law firm moved in. Our planning started (in the serious stage) about two years before that. Construction started in June 1978. I have been asked to tell you a little about our experiences in that two-year period.

A companion piece will appear with this article written by our architect, and I will also talk about working with the architect. However, I must first point out some things that have to be considered before you even select your architect.

A basic decision to be made is whether or not you want to build and own your own building. If you do, you become both a landlord and a tenant. There are many responsibilities and expenses that a landlord has that are not readily apparent to the uninitiated. Sometimes these can be distracting to lawyers who want to practice law rather than manage a building. Some of the advantages usually considered are acquiring an asset as part of your estate, tax savings through depreciation while acquiring that asset, the ability to design to fit your own needs and desires, security of keeping the same location, and others that you can determine by your own examination of this question. There are other disadvantages as well as advantages, all of which must be weighed and a decision reached on this matter. This decision may take some time, or it may be one you have already thrashed out. At

any rate, it is the first major question to settle.

Having decided you do want your own building, you must then settle on a location. You may want to find a vacant piece of ground to build on, or you may decide to buy an existing building and remodel. Whichever way you go, the location is an important factor.

We were assisted in this decision by the foresight of the late J. Hugh Aaron, who was in our firm until his death. Hugh convinced Vince Beaulaurier and this writer to join him in buying some property in the late 60's which was about 1½ blocks from the Yakima County Courthouse. Hugh assisted us all through the planning stage but never got to use the building. His death occurred on the evening of February 15, 1979, at about the time we were moving in.

The location of your building must be worked out in light of a number of elements in the location of your practice, taking into consideration many different factors for a metropolitan area than you would for a smaller community such as Yakima. All of the various factors that bear on the desirability of a location in your community must be weighed along with the availability of property, including where it is obtainable and whether or not you can obtain it at a cost that will be economically sound. The location, as well as the type of property and size of the property available, will have a great deal of bearing on the style and type of building that you will consider.

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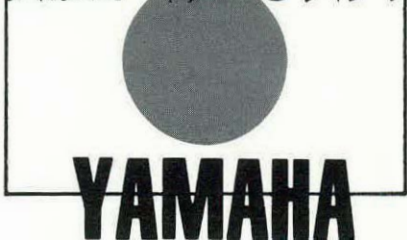
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At this point, a very important decision must be made. How large do you want your building, and how many lawyers and support people do you want to provide for? This calls for decisions about firm size, firm goals, and future planning in many areas. Unless you intend to remain static in size, some growth must be provided for. Most planners believe it wise to plan at least for ten years ahead if possible and to anticipate what your growth will be in that period. This involves either building larger quarters than you need at the present time or building in segments so that additions can readily be added on as you grow. In planning for growth, there are at least three options. One is to build a building that has additional space that is separated from the law offices and can be rented to other tenants but will be available for future expansion. A second option is to build a building the way you want it and hope you can carry it until you grow into it. There are some types of tenants that are compatible with a law practice that can be used even in a building that is built as a unit. The third option would be to build part of the building in such a way that it can be expanded as you grow in the future and still be within the design originally intended. In our circumstances, the design that we wanted did not lend itself to option one or option three, and we elected to build for what we would expect to need in about ten years. This decision has a great deal to do with the design of the building that you will choose.

When the size of the building has been determined, then it must be matched with the size of the property. If you have plenty of property, you may go for a single story rambling-type structure. If you have a smaller piece of property, then you may have to consider more than one story.

At this point, many lawyers may want to select their architect. In our case, we had some additional matters we wanted to settle before we committed ourselves to an architect. First of all, we played around with the plot plan ourselves, working with scale drawings of our lot, deciding the maximum amount of cars we could get on the lot



Charles R. Lyon is a partner in the
Yakima law firm of Lyon, Beaulaurier,
Aaron, Weigand, Suke & Gustafson.



Main entrance of Lyon Law Office is adjacent to ample parking. Extension of second floor in rear provides covered parking for staff.

Photo courtesy of Doudna, Williams Architects

and how we would have to place the building to do it. It is an easy matter to check minimum requirements for parking cars and then lay them out on a scale drawing of the lot and decide what size building you can have, at least on the ground floor, and still get adequate parking. In our case, we decided that we would pull in the first floor to smaller dimensions than we would the second floor in order to get some additional parking. With a rough idea of the dimensions that we could use on the first floor and still get adequate parking, we began to scale out a first floor with some rough dimensions and a second floor that would overhang a parking area on the alley side. We decided how many lawyers offices we wanted, what kind of support people we would be using and how much space it would take for them, what we expected to do with our library, how we expected to handle our files, how much conference room space we would like to have, and we also decided that we wanted to have a concrete vault, which we had not had available to us before.

This writer, who likes to fool around with a little amateur drafting, worked out drawings of possible locations of various rooms and facilities we wanted, using a rectangular-shaped building. We recognized that that would not be the ultimate way the building would turn out, but at least it gave us a way to experiment with rooms and spaces that we would need. We also reached some general conclusions which could be roughly stated that

we wanted a building that fit into the northwest, that was open and airy, that had skylights, that had a central open area for both floors, and that would contain the facilities that we had roughed out.

At that point, and again we are beyond the usual point of selecting an architect, we did one more thing. We submitted our rough drawings to a long-time client who was a contractor and who we planned to use and asked him to give us a rough estimate of what such a building would cost. The contractor did give us such a rough estimate and told us it would be more by the time the architect put some character into the design of the building to make it the way we would want it.

Then came the hard decision; namely, to sit down, look at the amount of dollars, and see whether we were ready to take on that challenge. We also at that time talked to our banker to see what the prospects for that kind of financing were. Having received some assurance from our banker and some rough estimates from our contractor, we decided we had gone long enough without an architect.

In a brief article such as this, it is impossible to explain all the time, thought, study, and decisions that must go into such a project up to this point. This process had taken us seven or eight months. To state in a simple sentence that you must decide how many lawyers offices

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you want, what kind of space you want for support people, for your library, for conference rooms, for a concrete vault (if you want one), for a word processing center (if that fits your practice), and for all other facilities that must go into your office is to far oversimplify the decision process. Any lawyer will know that these are all very difficult decisions and take a great deal of agonizing study and thought to decide where the firm is going, how it will use its support people in the future, what kind of equipment will be used in the future, whether paralegals will be used and if so how, how law office procedures will change with more sophistication in word processing, the probability of computerization of many procedures, and other very complicated decisions. All of these decisions take a great deal of analysis and thought, and sometimes it comes right down to crystal ball gazing about where the future is going.

These are all necessary processes because once the foundation is poured and the building begins to take shape, it is too late to change your mind about going a different direction about the way you want things laid out. Whether it is good planning or pure luck, it is wonderful when it comes out right.

Whether you select your architect at this point or at an earlier stage, the selection of the architect is an important decision. Most qualified architects can do the technical work of putting together a building in a mechanical way so that the building works. If you feel that you want a building that you believe has some "class," and if you will, some "pizzazz," then you have to select an architect who will design a building that is pleasing to you, pleasing to the public, and will have a lasting eye appeal as well as utility.

You need to determine the kind of design that you want and then by observing other work that has been done by various architects, you can decide which architect is likely to design the kind of building that will not only be pleasing to you but will, in its appeal, be an outstanding building. It goes without saying that you should select an architect who is accepted within the architectural profession as being fully capable of doing a proper and satisfactory job. There is a tremendous range of skills that an architect will bring to your job, and I do not mean to overemphasize the design features of his work. In our instance, we knew the firm well and knew they were fully capable of doing the job, and we did zero in on the design portion of the job principally because we already knew that the other skills of that firm would fall in line automatically if they satisfied us on the design part of their job. Basically, my advice at this point is to find an architect who will satisfy you on the design, then determine that he is well respected in his profession and that the architect is a person whom you can work with compatibly and in harmony.

An architectural contract is in five parts, with each part being assigned a percentage of the overall fee. Those parts are as follows: (1) schematic design phase—15 percent; (2) design development phase—20 percent; (3) construction documents phase—40 percent; (4) bidding phase—5 percent; and (5) construction phase services—20 percent. The total fee is based upon a percentage of the total cost, and the architectural profession has a schedule for determining this amount.

After the architect has been selected, then follows some intense conferences to give the architect as much information about what you want as possible. If you are starting with the architect at the earlier stage, then you must do a lot of the planning with him about the type of space and facilities you need and let him work with you in making those decisions. In our situation, we had some rough sketches to start with and had made many decisions about how we wanted our facilities put together, but a great deal of time was still spent with the architect so that he would have a feel for what we wanted to accomplish as far as our particular building was concerned.

After a series of conferences, the architect will come up with some preliminary drawings showing a floor plan, possibly some elevations, and probably a perspective drawing. In our situation, we had a perspective drawing

done in color to give us a better idea of what the finished building would look like. Many changes were made in our original basic drawings, particularly in areas where a change contributed to the overall design for which the architect was striving. While we planned facilities, it was the architect who worked out the design from the standpoint of overall appearance. After receiving the perspective drawing in color and some preliminary drawings of the floor plan, we submitted these back to the contractor to get an updated cost estimate. This estimate was higher than we felt we wanted to go, and we had some long sessions with the architect and the contractor together to see what could be done to stay with the general design but to reduce costs. Some changes were made in materials and some expensive design features were changed, but out of all of this discussion and change, we came up with some substantial cuts in the cost and with a design that was pretty close to what had been originally suggested but using different materials. While we made these changes by reason of cost, all partners would now agree that we are more pleased with the final result than we would have been with the first suggestion, which points up the wisdom of continued conferences and negotiations with your architect.

I recognize that the procedure in many instances is to work only with the architect until plans go out for bids,

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and then the owners either accept or reject the bids. Perhaps our firm was a little cautious in our approach to bring the builder in at an early stage and work with cost estimates as we worked with the architect in the development of the plan. Whether a law firm will want to work all the way through to bids and then take it or leave it, or whether they would elect to work along with cost estimates as our firm did is a decision for each individual firm or lawyer to make in their own circumstances.

Somewhere along in this process, there needs to be exploration as to available financing. Having had some earlier indication that we could get the financing, our firm applied for a loan once we had settled on the overall design and had some reasonable idea of what our cost was going to be. We got a commitment for a loan that was larger than our cost estimate at that time, recognizing that working drawings were not yet complete. With the commitment for the loan, we authorized the working drawings to be completed.

While the working drawings are pretty exclusively the business of the architect, the architect will consult with the lawyer many times during the progress of the working plans to have questions answered that may occur to the architect in his effort to make the building fit your needs. One member of the firm needs to be readily available to the architect at all times in order to answer these kinds of

questions, discuss possible changes or modifications, and otherwise be available to keep the plans moving forward. Many changes and modifications were suggested by the architect during the preparation of the working plans, and in some instances suggestions were accepted, sometimes compromises were worked out, and in some instances suggestions were rejected because the lawyers, based on their experience, felt that the particular suggested change would not be feasible in the operation of the law office. Our experience in working with our architect was very satisfactory. Both our architect and his firm were extremely cooperative throughout. They had very helpful suggestions, very good and productive ideas, and were willing to discuss them with the lawyers to see whether or not, in the lawyers' opinion, they were in the best interest of the building that was going to serve as a law office.

Decisions made during the preparation of the working drawings are very important, as the closer the working drawings are to the final product, the less problems in construction. Changes during construction are often costly and can affect the ultimate cost very significantly. Therefore, any doubtful area should be resolved to everyone's satisfaction during the preparation of the construction drawings rather than saving it for a later time when changes are much more difficult. Any change at a

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later date will be expensive whether building is being done on a bid or an informal arrangement as our firm used. Materials should all be selected during this time so that they may either be included in the bidding process or if it is an informal arrangement, so that orders can be placed to have the materials available. By the time the working drawings are completed, the architect will have prepared a color schedule which will list all elements of the building as to material, finish, color, design, and other factors that would influence the overall appearance of the building.

The color schedule prepared by the architect is an extremely important matter since it is the architect's opportunity to harmonize all elements of the building in a way that will enhance the appearance and bring it all together to accomplish the desired design result.

When the working drawings are completed, either the bid process commences, at which time the architect puts drawings and specifications out for bid, or if it is an informal arrangement, then the construction can begin, as was the procedure carried out by our firm.

Whether you should use the bid process or an informal arrangement as our firm had is a matter in which I would find it very difficult to advise other lawyers. Each lawyer must determine the method that is in his or her own best interest and must make his or her decisions based upon the community, the lawyer's knowledge of the contractors, and a number of other factors. The decision whether to go with a bid or informal arrangement should be made at a very early stage in the planning process, as some factors will be handled in a different way depending upon which procedure you use.

If one lawyer has not been designated to supervise the matter up to the point of construction, it certainly is essential that one be designated to follow on the construction. Our experience would lead us to advise that one lawyer should be in charge of the overall project from the time the architect is employed throughout the remaining part of the project. Whoever supervises the project will have to devote considerable time to it. In some larger firms, a lawyer may be put on sabbatical to handle this project, but this is not always feasible for the smaller firms. Somehow provision must be made for the supervising lawyer to spend time on the project and to maintain the lawyer's influence so that the building will be truly planned, designed, and constructed in accordance with the wishes of the lawyers. The great advantage of keeping close contact with particularly the construction is that no matter how carefully one has planned and no matter how carefully your architect has drawn working plans, there are questions that come up that someone in authority needs to answer who has the interest of the law firm at heart. Some things begin to look a little different when they are being constructed than they appeared on

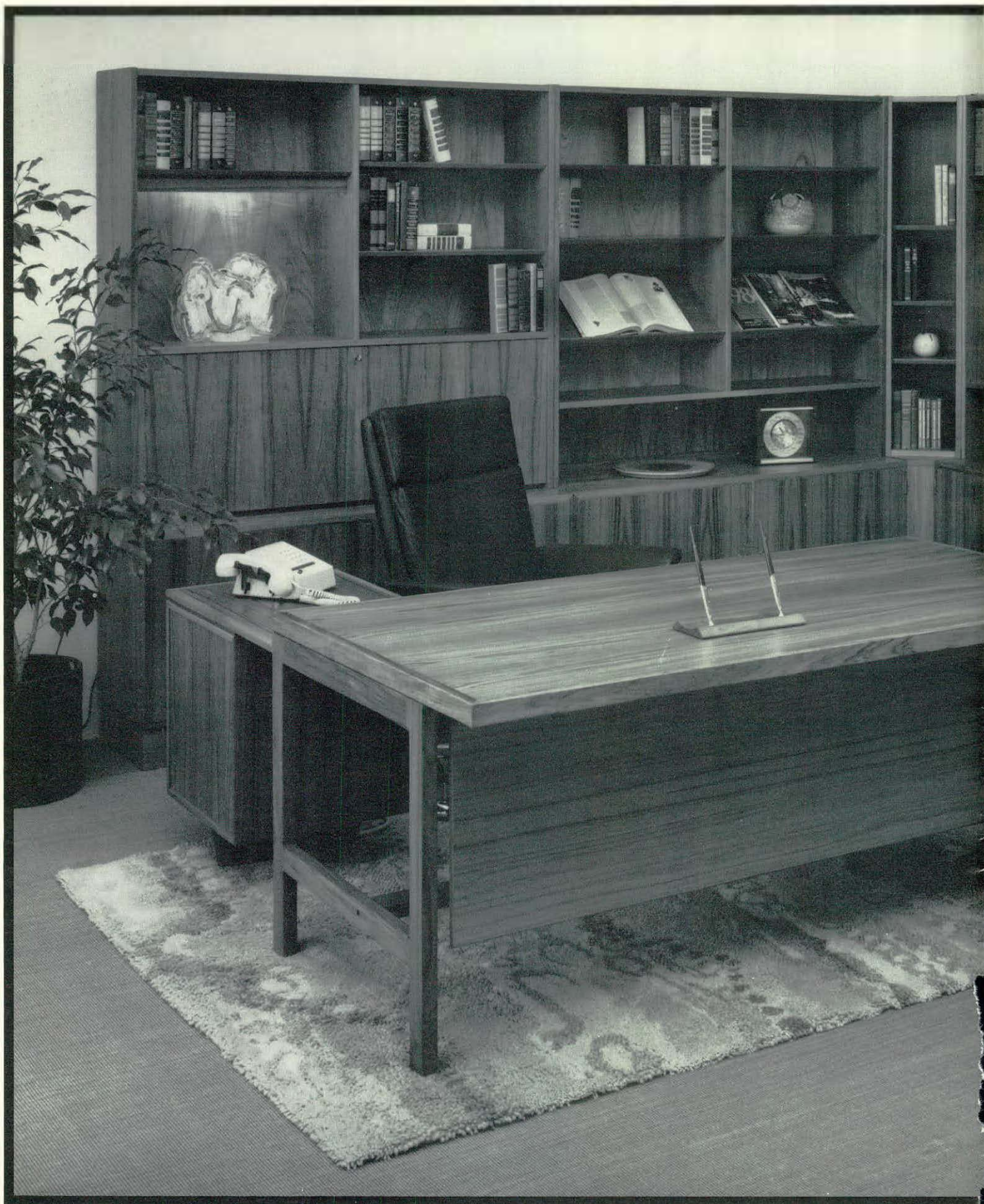
drawings and some slight modifications need to be made from time to time. If these modifications are caught before the work is done, they can generally be handled at no additional cost. A close working relationship between the supervising lawyer and the construction foreman will most certainly bring about some improvements as the work progresses and will produce a better law office building in the long run.

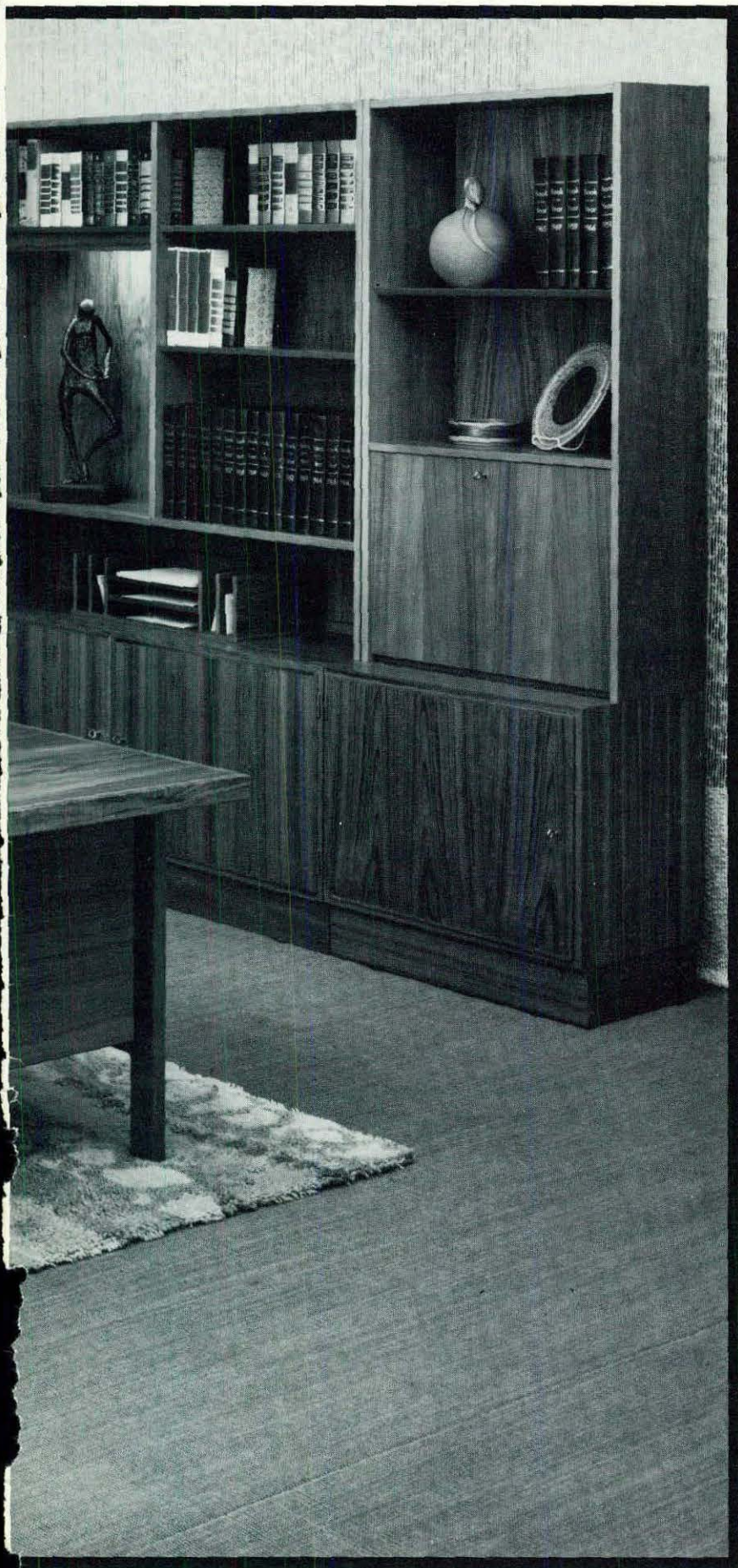
While the construction is proceeding, the supervising lawyer should be working with the color schedule to select furnishings and equipment for the building. If an interior designer is involved, decorative items such as carpeting, furniture fabrics, draperies, wall hangings, and other similar items must be selected in harmony with the color schedule. This should be proceeding during the construction so that everything will have come into place by the time the building is ready for occupancy.

At a very early stage in the planning process, the firm should take a complete inventory to determine how it will use its existing furnishings and equipment and what it will need in the way of new furnishings and equipment. By the time construction starts, there should be a complete list of how existing furnishings and fixtures will be used and what new purchases will be made. New items of furnishings and equipment should be selected and ordered during the construction so that they will be on hand when the building is ready for use. Delivery dates for many items of furnishings and equipment may run anywhere from three months to six months from the time of ordering, and in some special situations, perhaps longer. It is, therefore, important that these selections be made shortly after the construction starts so that the firm will not have a brand new building with nothing to put in it.

In almost eighteen months in this building, we have been very pleased and, in fact, if I may be a little unsophisticated, we have even been thrilled at what we have. Our architect has given us a building that we believe has lots of "class" and may well be one of the outstanding office buildings in Central Washington. It is outstanding in appearance, it is well constructed, and we feel that it is very functional. We started out with a rectangular box with a general idea of the facilities we wanted inside. We gave it to the architect, and he designed an outstanding building that still has what we wanted inside. The lawyer has to decide what he wants in the building, but the architect has the skill and the ability to make it into a building that will be pleasing, long lasting, and will outlive the fads of the moment.

The editor has asked me to tell you what I would do differently in working with our architect were we to do it again. I really do not know that I would do anything differently, at least not at the end of eighteen months. Hopefully, I will feel the same at the end of five or ten years. □





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*Deductions

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TOTAL

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MARGINAL FEDERAL ESTATE TAX BRACKET

*Tentative Federal Estate Tax
Less Credit for State Death Tax

**ESTIMATED NET FEDERAL ESTATE TAX

*Cash Requirements

Estimated Net Federal estate tax
Estimated state death tax
Funeral and administration expenses
Debts, mortgages, and liens
to be liquidated at death
Cash or insurance
bequeathed to charity
Cash or insurance
bequeathed to others **TOTAL**

*Funds Available

Real and personal property
available for estate liquidity
Life insurance in estate
Proceeds outside estate **TOTAL**

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Building a Law Office: An Architect's Perspective

by EDWARD F. WEBER

To a busy lawyer, the attention to detail required in the design and construction of a new law office can verge on overwhelming. Or . . . with good planning from the beginning, it can become a very pleasant and rewarding experience. We hope that this brief article will contribute toward a good experience in your construction project.

At the outset, any lawyer planning to build an office facility must have a thorough knowledge of the professional and administrative needs of his own practice—as it is now—and what the long range goals are for that practice. The greater the understanding of the administrative problems, lawyer-secretary working relationships, specialist team concepts, document and people traffic flows, document storage and retrieval, word processing systems, and the many other factors which must be considered, the easier it will be to formulate a design program and transmit these needs to the architect for his interpretation in a graphic form.

There are numerous books on planning the law office—Chapter 14, *Office Management Manual*, Altman & Weil is a good one and offers excellent direction on the data gathering necessary before the architect can proceed with drawing lines on paper. Another technique to assist in planning is to visit facilities of other law firms with similar practices. The visitation emphasis should be concerned with “how the building functions” rather than how it looks. Lacking extensive experience in your own practice, consultation with a legal management

consultant may be beneficial. The greater your knowledge of your requirements, the better you will be able to communicate these requirements to your architect. The architect cannot design in a vacuum—he must have input and assistance from the client, for it is his or her needs that have to be satisfied. The more complete the information you provide to your architect, the more the facility will be tailored to your needs.

In general, you should have a pretty good idea of how much space you need and how much money you want to spend. Space requirements can be derived from how many partners, associates and employees there will be and what support facilities such as library, resource centers, conference rooms, are needed. Allowances should be made for future expansion. Technical planning guides will enable you to establish rule of thumb area requirements. Compute the rough area needed and multiply by a square foot cost figure to establish a tentative budget. Ball park square foot costs can be obtained from your architect, contractors, insurance company replacement cost tables and the like.

Now that you have decided to build and you have an understanding of your needs, you should select your architect. An early selection of the architect will be beneficial to the planning process. The architect can assist in site selection, give guidance and direction to your research, and in general, be a sounding board in the formulation of your program. Benefits of getting the



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Lyon Law Office reception area extends to skylighted second floor. General service and conference areas are on first floor; attorneys and legal assistants are on second floor.

Photo courtesy of Doudna, Williams Architects

architect on board early are that he will derive a better understanding of your needs, he will be in a better position to analyze and solve the problems posed by your long-range facilities program, and much time will be saved due to his familiarity with the program. The architect is specially trained to analyze program requirements, coordinate the many systems and construction disciplines involved and graphically describe your building needs.

There are many ways to select an architect. The methods are not too dissimilar from how you would select a doctor or another lawyer. Experience, past performances, the time he will have to devote to your project, whether he is flexible and cooperative, and how you get along with him personally, are all considerations in your selection. Don't overlook the fledgling architect—he is fully trained, and what he lacks in experience may well be offset with his enthusiasm and his dedication to fully satisfy your needs.

As with law and medicine, fee is not the best criteria to use in selecting an architect. The American Institute of Architects has several publications spelling out the normal and extra services provided by architects. Check with the architect's previous clients to determine how well he performed those services.

A first order of business with your architect will undoubtedly involve a form of agreement for his services.

The normal agreement is based on a percentage of the construction cost—varying from about 10% on costs under \$100,000.00 to 8% on projects in the \$800,000.00 and up category. Other arrangements such as hourly, fixed fee and cost plus can be negotiated as the conditions may dictate. An hourly agreement can be most beneficial when your program is well defined and the architect has had similar previous commissions. If you are going to require a lot of probing and research before you finalize the program, the hourly agreement will undoubtedly be excessively expensive and a percentage fee would be more beneficial.

When an agreement is established, the architect will review your program and will commence planning through his own research and discussions with you. In addition to planning the structure itself, building codes, city ordinances and zoning requirements will have an impact on the ultimate design and must be checked and cross checked by the architect.

Ultimately, the architect will present sketches or graphic interpretations of his concept of your program. This is a developmental process and will involve considerable time in discussion and review—evaluating and weighing of the program requirements. Compromise will likely be required. Desires—"want lists"—generally exceed established budgetary limitations and, con-

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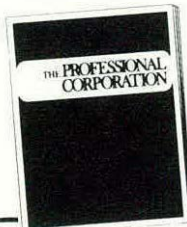
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sequently, adjustments become necessary. The variables in programs are area, budget and materials. If the budget is fixed, the architect must have leeway to adjust areas and to select materials. If the area is fixed, the architect, through material selections, will formulate a budget. Budget and area are the most volatile and will afford the major areas of compromise.

The esthetics of your building will develop from the space arrangements and the envelope necessary to enclose those spaces. Material selections as dictated by budget will effect the ultimate design. The architect will develop a design concept encompassing both plan and elevation studies for your consideration. The architect is trained to visualize the elevations of facades as he develops the spatial arrangements.

As the plans and elevations emerge, the architect will develop structural systems to support the structure. Mechanical and electrical engineers will be consulted and their special requirements for space and access will be incorporated. The architect will monitor the budget at all times. Minor upgrades in materials and areas have a way of aggregating and blowing the budget limits.

When the plans become fixed and as much of your program as possible is satisfied, the architect will prepare construction documents, including detailed specifications, from which the project is bid and built. Once the design is frozen, only minor changes should be anticipated. Major changes after design development, during working drawings, or while the building is being constructed are costly and should be avoided like the plague.

Some changes during these phases are inevitable, particularly when the plans become three dimensional during construction. For the uninitiated, it is difficult to visualize what a building will actually look like or how big a space really is from looking at blueprints. If you have second thoughts when you see the actual spaces developing, discuss your concerns with the architect. The architect will, in most cases, justify the design conditions or will offer possible alternative solutions. If



Edward F. Weber is an associate with the Yakima architectural firm of Doudna, Williams Architects, A.I.A. Weber was project designer for the Lyon Law Offices.

such changes are required, they should be documented with a written Change Order including any adjustments in price and construction time. The Change Order procedure is not a substitute for a shallow involvement in the design development. To reiterate—the more complete you and your architect comprehend the program, its needs and requirements, the more satisfying will be your building experience and the greater your satisfaction in the completed building.

The ideal client would provide the architect with a complete written program with no plans, pictures, sketches of pre-conceived arrangement. He would build a word picture with all the parameters which effect the design. He would also have an unlimited budget and complete and absolute trust in his architect. The architect would, with his infinite wisdom, decipher the written program and turn it into a graphic presentation from which the facility could be constructed.

In the real world of architect/client relations, the ideal seldom happens. Most clients cannot verbalize their requirements nor do architects have the infinite wisdom to turn them immediately into graphics. A great amount of research must be done by both parties. A really successful facility is the result of lots of hard work, soul searching, and hours of evaluations by both the architect and the client. Behind every good project there is a good

client who has become involved with the program and the processes of design. The most successful projects are the ones in which the client feels that his or her basic ideas have been incorporated into the project as the result of this active participation. For an architect to perform his primary function in the construction of a facility, he must thoroughly understand the requirements of the client.

The design of the law offices of Lyon, Beaulaurier, Weigand, Suko and Gustafson was developed in the manner previously discussed with the notable exception that the contractor was pre-selected. In fact, the contractor was on board before the architect was commissioned. The contractor's input on costs of various structural systems and material selections was invaluable in the final decision making. We would recommend the pre-selection of the contractor, if possible, as a valuable partner for his expertise in budgetary control. However, we think the early selection of the architect with his expertise in design and overall understanding of all aspects of the design/build process is more valuable.

We have designed several law offices, and we believe that such experience by an architect is of great value, particularly in the areas of communication with the client. Familiarity with special terminology and administrative functions of the legal profession can save countless hours of research. Time being money, such familiar-



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ity has a special significance to the lawyer/client.

The owner/architect communications on this project were particularly good. One of the law firm's principals, Mr. Charles Lyon, was designated to review the sketches, respond to our questions and, in general, be responsive to the design program. If you have a number of partners, we recommend appointing one principal to be responsive to the many decisions which must be made. Design by a committee is difficult, often confusing and tends to over-compromise the design concept. Mr. Lyon was "in tune" with the designing architect, Mr. Weber, and Mr. Weber was responsive to the special requirements of the project.

The two-story design was the result of several factors. On site parking requirements swallowed up so much of the property that a vertical definition of space was necessary. The owner's requirement that no preference be shown to any partner dictated that such equality could best be achieved if all office suites were on the same level. With a commitment to a two-story concept, because of site limitations, the office elements were arranged on the same level. The space requirements of the office suites were greater than the space required by the support facilities. This problem was solved by placing the larger area office suite element on the second level. A secondary benefit from this inversion of masses was that it created a cantilevered second floor which, in turn, provided a covered parking area for owner and staff vehicles. The two-story design (actually three-stories with basement) imposed several circulation problems for in house personnel, paperwork and client access. Handicapped requirements posed additional circulation problems which were resolved without the use of elevators by the provisions of first floor conference spaces and other adjunct facilities, such as hallways, doorways and restroom facilities, especially designed for the handicapped. A study utilizing elevators was made and abandoned due to budget restrictions. As the result of grouping space use functions, the resource center/library was necessarily located in the basement. The closed in environment of the library space was relieved by the incorporation of a landscaped light well. The program presented specific requirements for para-professional stations and the impact of ever evolving word processing techniques. Para-professional stations were integrated with the private lawyer office area. Word processing equipment, because of noise, was isolated but related closely to document storage and retrieval centers. Consideration was given to the needs for privacy, accessibility for the handicapped, lawyer/client conferences, lawyer/lawyer conferences, library and research center—every effort was made to design a facility reflecting integrity, honesty and probity—an adherence to the highest principles and ideals of the legal profession. □

Law Office Design: Styling for the 80s

by NANCY BOYARSKY

With today's growing costs of construction, rental space, and furnishings, law office design has become a matter of vital concern to lawyers. This is particularly true when the growth of a firm necessitates a move or expansion. There are many local design and space planning businesses geared to saving money through economical space planning and interior design.

When the Torrance, California, law firm of Gray, Gray & Gray wanted to be sure their new office suite would have just the right ambiance, senior partner Dudley Gray went back to the Iowa of his boyhood and purchased the 95-year old Pottawattamie County Courthouse. He was just in time to save it from the wrecker's ball.

The structure was disassembled, and all that would pass California earthquake inspection was moved to Torrance for reconstruction. This included most of the exterior, the interior hand-carved wood paneling and stonework, marble floors, a carved cherrywood bannister and rose granite columns.

After two years of work and nearly \$3 million dollars in costs, the four-story building is finally finished. The Gray firm occupies the top floor, while other attorneys will lease the rest. Everyone seems well satisfied with the result.

Although the average law firm's office design, remodeling and space planning never reaches the scope of the Gray project, it is almost always a major undertaking, and most attorneys hire design and space planning experts to get them through the experience.

Space planning refers to the total design of an office area — from its corridors, inner walls, and furniture placement to its effect on work efficiency, traffic flow and other considerations that contribute to a smooth running office. Interior design or decorating, of course, involves the selection of the style of furnishings, fabrics, wall and floor coverings, pictures and accessories. Other skills also come into play in a major project. Engineering and architectural design, for example, are crucial steps in planning an office suite in a new building where the

interior walls, partitions, electrical outlets, heating, and air conditioning have not yet been placed.

Trends in Law Office Design

There are many new trends in office design today, and many focus on the growing need to save space and economize on building and furniture costs. But designers do not consider law firm design an area for trail blazing. Attorneys still favor the traditional, a taste which can be traced to the profession's desire for an established and stable image. According to James Haggard, Orange County regional manager for the interior planning firm of Cannell and Chaffin, "What we are seeing are almost all old trends. The majority of law firms are going back to the traditional — a warm look, but one that gives you the feeling that you are secure and in good hands. A lot of this has to do with the uncertainty in the world. People want security."

In many other occupations and professions, open areas with shared work space are popular. Although lawyers, with their great need for privacy in dealing with clients, have resisted this trend for their own offices, law office support staff has benefited from it. Haggard recalls that "secretaries in law firms used to be in small rooms across the hall from the lawyers. Now they're in open areas outside the attorneys' doors. It's a matter of economics. The cost in high rises is so great, no one can afford private offices for secretaries."

Ed Bajbek, senior vice president of SLS Environetics, sees a trend toward, he said, "more and more continuity of image throughout the law office. Ten years ago, law offices had a theme in the reception area, but partners personalized their offices to their own tastes. The outcome was poor because the firm had no set image.

"That has changed. Now firms want to show they are a unified group and that a client is getting the benefit of going with that firm. Another reason for more continuity is the need to economize on the cost of furniture and architecture."

Another strong trend is toward smaller individual offices for attorneys, with more conference rooms for

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meetings and taking depositions. "This is not a trend that has been welcomed with open arms," explains Eliane Pepper, president of Designers Furniture Center, Inc., "but, like condominiums, it makes sense economically. The days of large, spacious offices are over because rents are so high."

According to designer Bob Stewart of Stewart, Romberger & James, "One trend is to allow some light from the outside windows to be shared by support staff. Usually it is the attorney who gets the outside office while secretarial, clerical, and paralegal help end up inside. In newer office suites, increased sensitivity to support staff morale has led to methods of sharing light from the outside with those in interior offices. One way to do this is by putting glass walls in attorney offices and conference rooms so that outside light reaches the inner corridor area. These glass walls have drapes which can be closed for privacy."

The law library has also undergone some changes, with a trend toward using glass walls to open it up to the inspection of clients. According to Bajbek of Environetics, the library is becoming a "multifunction facility used for such things as conferences. Lawyers like the clients to see the books. This is their own specialized art, and it gives an image of their knowledge."

Haggard of Cannel and Chaffin once designed a firm in



Entry approach to the law offices of Kargianis & Austin, Seattle. Warm woods complement the openness of glass paneled wall and door.
Photo courtesy of Emick/Howard and Associates

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San Diego where the library, behind a glass wall, was the first thing clients would see as they emerged from the elevators. "It was very impressive," he said.

Another trend involves giving up the desk for the linear work space—a deep, desk-height shelf on a wall, with cabinetry above. This allows the attorney to leave working papers and books and turn to a tidy mini-conference table, sofa or chair and low table arrangement when meeting with a visitor or client. Psychologically, these arrangements put the attorney on a more equal footing with clients than the across-the-desk setup. "Lawyers really don't need that headmaster image anymore," explained a design firm representative.

The Design and Planning Process

Deciding which trend to follow is only one of a myriad of decisions to be made in law office planning. A step-by-step description of one designer's mode of operation reveals the complexities of producing a well-designed office. Along the way, most design firms will provide working drawings or even, in some cases, slides illustrating the final result to avoid unpleasant surprises. The entire process usually includes the following steps:

• *A needs assessment* involves a discussion of the law firm's operations, including its needs and plans for immediate and long range expansion.

space planning services, and it costs money. But so do time-consuming delays and efforts.

Choosing a Designer

For law firms with less ambitious jobs or for those that want to contract out individual tasks, office planning can be handled without hiring a design firm. Many big furniture companies, for example, will also provide design and space planning services.

It isn't easy to find a designer who is right for your office. Usually a firm will find someone through a referral from another firm which has pleasing decor or has had a good experience with a designer. In addition, leasing agents in new office buildings will often recommend a designer, perhaps one who is already doing work in the building.

It is probably wise to look at the work of several designers, talk to them to see if you can establish good rapport, and question them about their fees. Most designers have flexible attitudes toward fee charging and will accept a percentage of the total job, an hourly rate with a top limit, or a flat fee.

Designers are always prepared and happy to show their work, usually with pictures or, sometimes, even slide shows of their past successes. Although it's not everything, their taste in decorating is, of course, important. As one unhappy attorney commented, "One problem with decorators and space planners is that sometimes they won't listen to what you're telling them. Because we spend more time in our offices than in our homes, they ought to reflect how we feel, not how the decorator feels. If you want a traditional look, you must make it clear to the decorator that he or she has to listen to what you're saying."

In his case, the designer insisted that traditional would not go with the contemporary building the firm was moving into. In order to get what they wanted, the attorney had to find a new designer.

Professionals in design and space planning urge law



Nancy Boyarsky is associate editor of Los Angeles Lawyer.

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How To Survive A Major Design Project

A number of attorneys and law office managers who have been involved in major moves and remodeling were willing to share their advice for the benefit of those who are about to embark on such projects. Most agreed that it was not an easy experience, but they felt things would have been less traumatic if they'd known the following tips in advance:

1) When looking for a design firm, screen firms for the following criteria: a) a willingness to deal with the construction company so that it's clearly not your law firm's responsibility to negotiate with plumbers and electricians; b) an organized approach to space planning for efficiency and not solely for appearance; c) a willingness to look at every item of furniture and talk to people about how they work down to the last detail; d) an eye to methods of cutting costs with suggestions for alternative, less expensive options and an ability to explain their strengths and weaknesses so you can make intelligent decisions.

2) Don't underestimate your growth potential: Most law firms will grow, and if you don't allow enough office space for future expansion of staff and files, you'll have to move again within a few short years. An attorney involved in a move last year commented that he knew of no law firm that has been able to project space requirements accurately. "We thought we had it beautifully covered," he said, "and we'll be out of space next year."

3) Start arranging for the telephones to be installed at the very beginning, perhaps at the time of preliminary space planning; Major phone cables have to be laid right along with the electrical circuits. In addition, the phone company needs a good deal of advance notice and nagging to get everything installed and working.

4) Form a committee which will take responsibility for clearing the design with members of the firm. "No matter how good the plan is," said an office manager, "you're going to have at least 50 percent of the people unhappy. They don't have enough space,

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or they don't like the carpeting. If you have a committee to refer these complaints to, it will save a lot of stress."

5) **Don't customize space for particular word processing, copying, and computer equipment.** An attorney who had done this said, "The technology in that field is developing so quickly that within the first 12 months after our move, there wasn't a single piece of equipment that we'd moved in with us. It had all been replaced with something more current. The moral is don't try to design a word processing area for any particular equipment. Allow sufficient flexibility to accommodate equipment you haven't even conceived of."

6) **Be sure someone has taken a look at the size of your furniture in relation to the size of the new building's elevator.** In one case where this wasn't done, a distressed office manager found herself riding on top of an elevator, holding up one end of an oversized conference table because she was the only one small enough to fit on the elevator roof.

firms to employ a good designer very early in the game, contending that this is the point when expert advice is most valuable. For one thing, it is possible that by remodeling and following current trends in space-saving design, a firm may find that the existing office suite is adequate for its present needs. In this era of high-priced and scarce office space, this can be a profitable discovery.

Even when additional space requirements mandate a move, a skilled designer can be helpful in a final decision about building selection. Although new buildings usually offer free preliminary space-planning services to new tenants, when a firm chooses to bring in its own designer the building will usually pay to cover this cost. And it makes sense that a designer who is familiar with your firm and plans to follow the job to completion will be more sensitive to your needs.

In dealing with a design firm, it is essential that a small committee be formed—three or four attorneys and the office manager—or that a single individual be given the authority to act and make decisions on behalf of the firm. If large committees are involved, the delays can be costly and frustrating for everyone. One designer admitted that his firm considers the size of a law firm's committee in negotiating the fees, adding, "If all partners are going to serve on it, we say, 'Sorry, we can't take your firm.'"

O.K. We've summarized some basics of the law office design process. Are you ready to jump in? Good. Over to you, Law Office Design Committee! □



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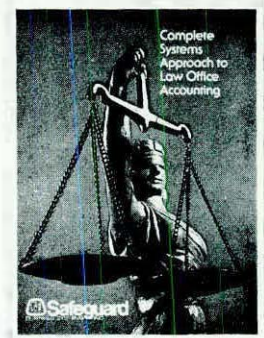
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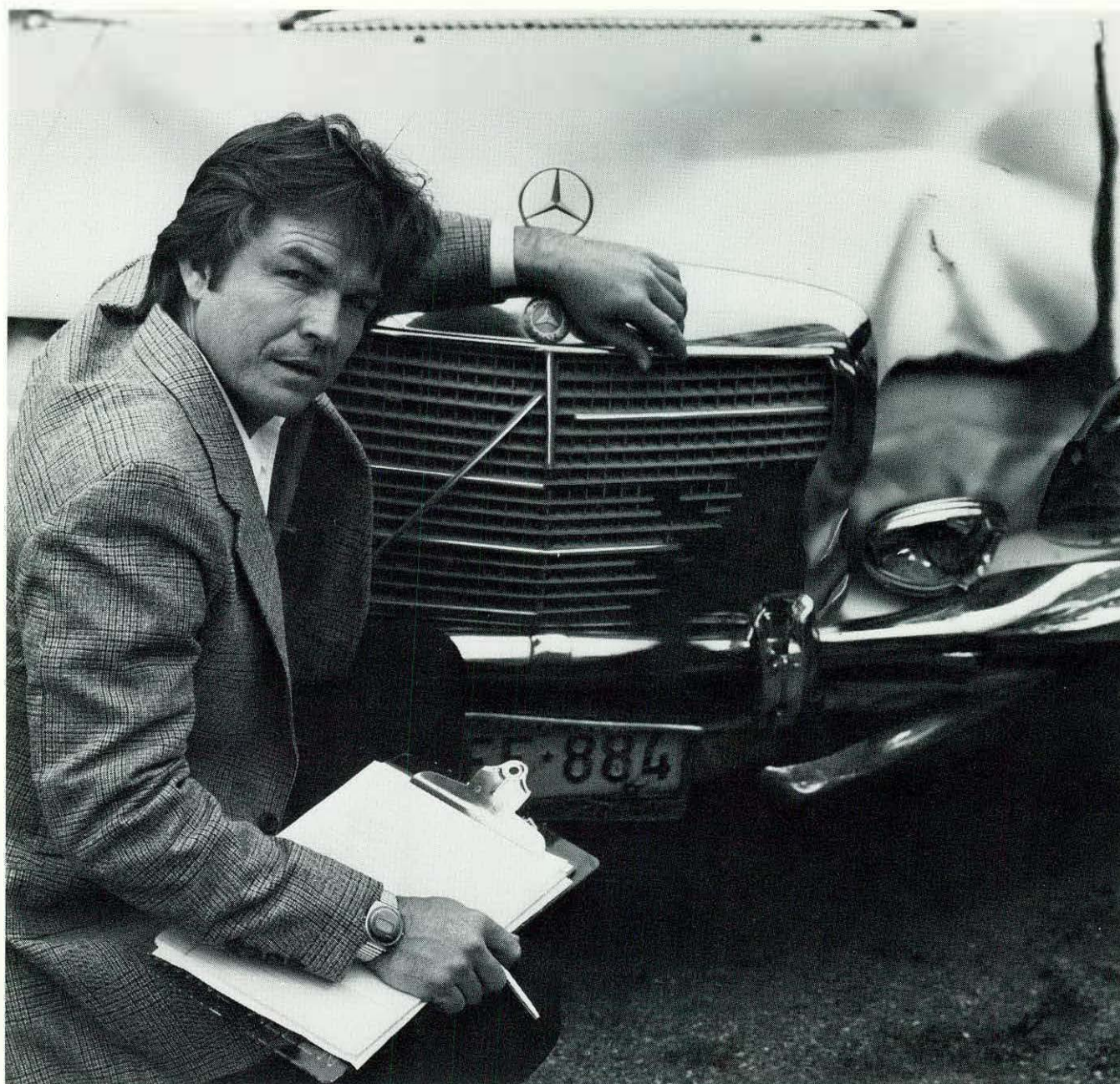
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A Sampling of Northwest Office Planners and Interior Designers

by **KARIN FOSTER-GARRISON**
Bar Staff

So you're ready to design your law office interiors . . . Where do you start? The first step is to do what you would expect a client to do—select the professional practitioner who you think will do the best possible job. Sometimes finding the right designer can be like the prospective client's search for the right attorney—most people tend to rely upon word-of-mouth and referral by friends and associates.

An awareness of the differences that exist among designers in general philosophies, scope of services, and methods of compensation can help in your selection. The following is a sampling of the many sources of office design services around Washington State. The list is by no means complete, and is not intended as an endorsement, but as an endeavor to represent the rich variety of perspectives and offerings available.

Bellevue

Business Office Furniture, Inc., 1940 124th N.E., Bel-

levue, (206) 454-9333. According to designer Jacque Weaver, Business Office Furniture is a contract commercial furnishings company, specializing in open office panel systems. Three staff designers offer space layout and programming, and interior design services. As a rule, design fees are absorbed into furniture cost; design service alone is billed hourly. Business Office Furniture also has a store in Everett, at 5616 Evergreen Way, (206) 364-5333. Although the design staff is based in Bellevue, service is also provided through the Everett location.

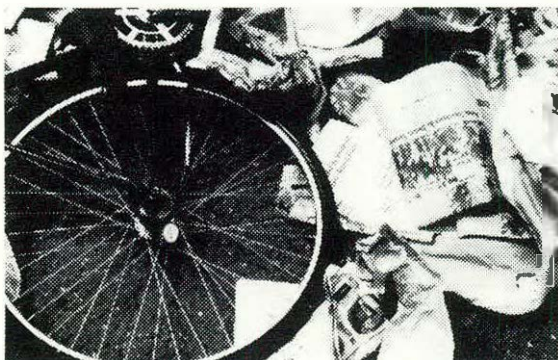
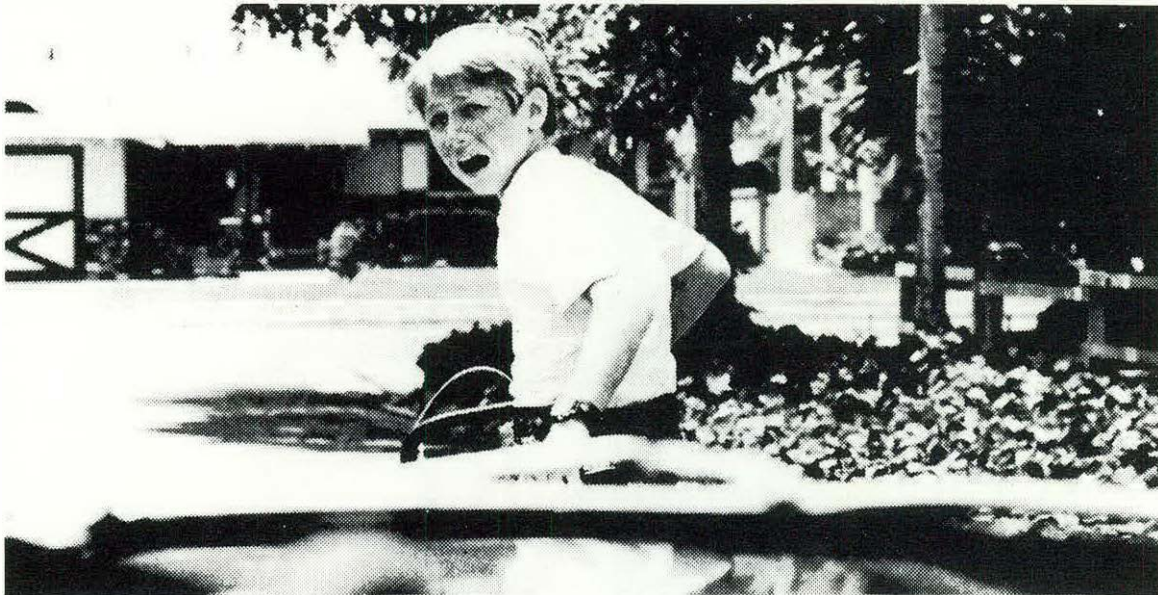
Monroe & Monroe Company, Inc., 8420 N.E. 10th, Bellevue, (206) 455-3227. The Monroe & Monroe design firm provides interior planning and design services, and specializes in custom designed furniture, cabinetry and architectural detail, including custom millwork. "Our architectural background allows us to supply innovative solutions to particular needs," says

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Barbara Rowe, designer. The firm also offers purchasing services. Method of compensation varies according to type of project.

Scan/Design Office Interiors, 504 Bellevue Way N.E., Bellevue, (206) 454-7749. Scan/Design Office Interiors is the commercial design division of Scan/Design Danish Furniture, "the only source for fine European craftsmanship in rosewood, teak, and walnut furnishings," according to Gisela Klos, interior designer. Space planning, interior design, and furniture specification are among the services offered by the design staff, which specializes in professional offices and waiting rooms. Design is free with reasonable purchase of furnishings; extensive space planning is billed separately according to project.

Trilan Company, P.O. Box 6325, Bellevue, (206) 881-5534. A commercial design firm, the Trilan Company (TC) has developed a specialty in working with law offices, says Tracie R. Ryder, President. TC provides space design, color coordination and furnishing services, and subcontracts architectural drawings and installations. Manufactured lines and custom-made items are available through TC, and design is included in the cost of the products they sell. When extensive space planning is required, or when consultation excludes purchase, special fee arrangements are negotiated.

Bellingham

DeLorme's, Inc., 701 E. Holly, Bellingham, (206) 676-8504. DeLorme's design firm offers space planning, interior design and furnishing services, including custom draperies. Jeanne Carlson, designer and owner, takes "pride in personalized service." An initial consultation fee is \$25. Design services are complimentary when a \$250 minimum purchase of furnishings and/or accessories is ordered through DeLorme's.

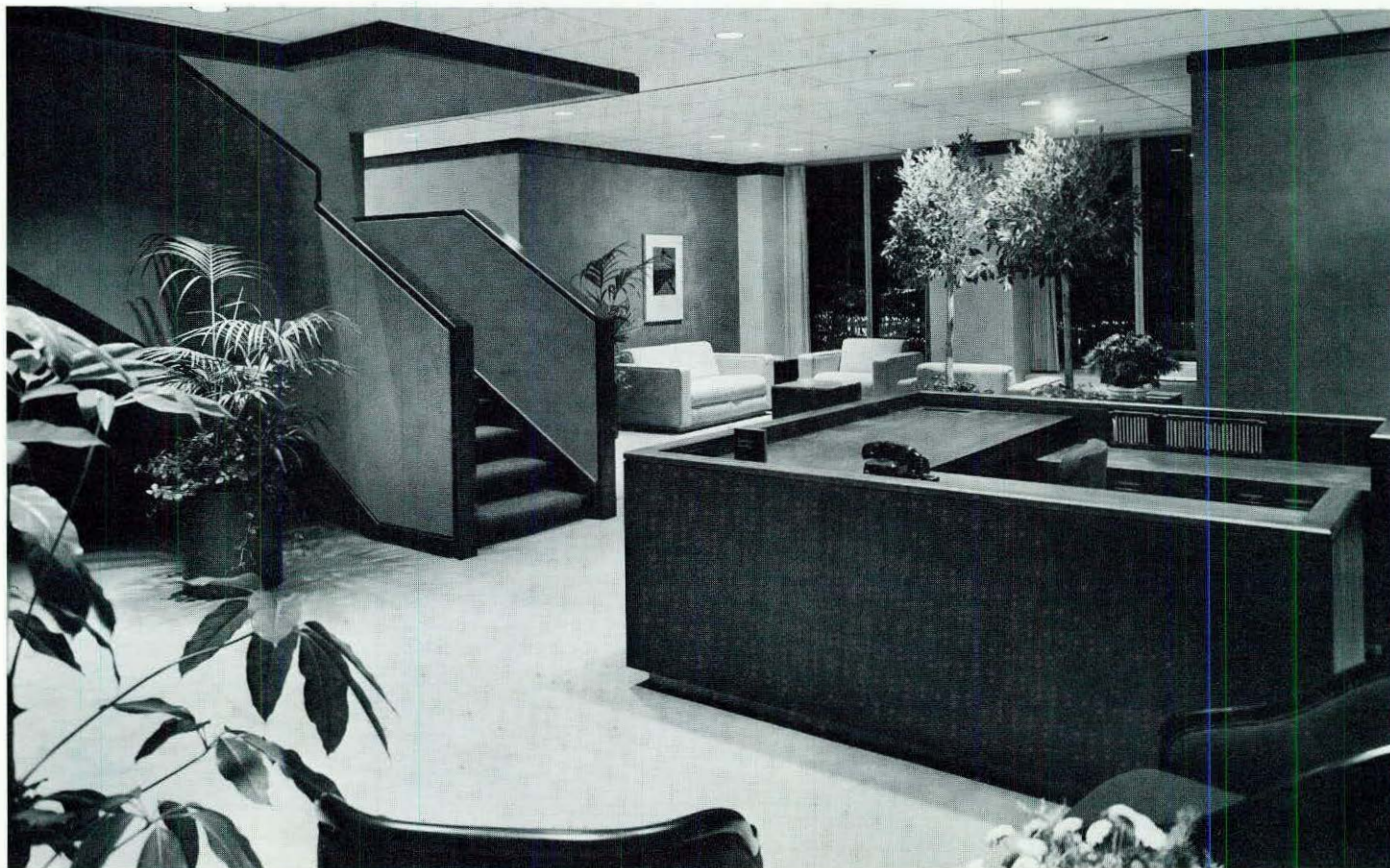
Everett

Business Office Furniture, Inc., 5616 Evergreen Way, Everett, (206) 364-5333. Please see Bellevue listing.

Office Interiors and Supplies, 2002 Madison, Everett, (206) 355-3500. As former owner of an interior design firm, owner Bill Priebe says he finds product knowledge invaluable to designing for maximum efficiency in minimum space. Office Interiors carries office supplies and furnishings, and provides space planning and interior design services. Design is billed hourly, or a flat fee is negotiated for both furnishings and design.

Olympia

Co-ordinated Interiors, 320 West Bay Dr., Olympia, (206) 943-1221. Co-ordinated Interiors offers space



Reception area in the newly completed offices of Lane, Powell, Moss & Miller, Seattle.

Photo courtesy of Marvin Stein & Associates

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planning, interior design, and furniture specification and purchasing services. A designer of many local court-houses, Gretchen Sturtevant, principal, says she prefers to work closely with the architect on new office projects to ensure a smoother flow. Design fees are negotiable, and vary with each project. Furnishing contracts are generally presented to suppliers for competitive bid.

Hazelriggs III, Olympia, (206) 943-0560. Hazelriggs III features wholesale and retail furniture and carpeting. Two staff designers provide space planning and interior design services, including custom work and details, according to designer Marcia J. Seed. Design fees are hourly, and applied toward furniture purchase.

Seattle

American Office Equipment & Interiors, 2nd & Pine, Seattle, (206) 382-9810. American Office features office furniture, machines, and supplies, and offers space planning, furniture specification, and interior design services. Liz Lidner, one of four designers, says the design staff works independently, and clients are not restricted to purchase of furniture from store inventory. Fees are hourly.

Anderson Jones, Inc., 2264 15th W., Seattle, (206) 284-2424. Bill Jones, partner, defines Anderson Jones

as primarily a full-service interior design firm (including space planning, interior design, furnishing, needs assessment and budget studies), and secondarily a supply firm that does its own installation. Complete service from one company can save money, says Jones. Projects are billed hourly per negotiated contract, and materials used are discounted from retail prices.

Bank & Office Interiors/Innerspace, 224 Westlake No., Seattle, (206) 682-4664. According to Mark Holland, Director of Design, B & O Innerspace is an "independent design firm" within Bank & Office Interiors, an office furnishings retailer. B & OI offers space planning, interior design, furniture specification and architectural detail by staff architects. Furnishings may be purchased at Bank & Office or through outside sources. Holland stresses careful interviewing and research, "to assure that the control is resident in the client's hands." Design is billed hourly, per negotiated contract.

Cannell & Chaffin, 1414 Alaskan Way, Suite 601, Seattle, (206) 622-0258. Terry Vani, Senior Vice-President, describes Cannell & Chaffin as a "major space programming, planning, and facilities management firm," which includes consultation on interior design and interior architecture, and product procurement. "Programming," says Vani, means careful long-range planning and budgeting to allow for future expansions. The

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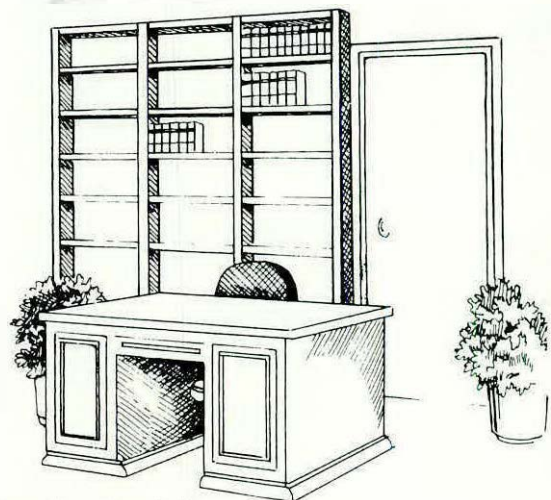
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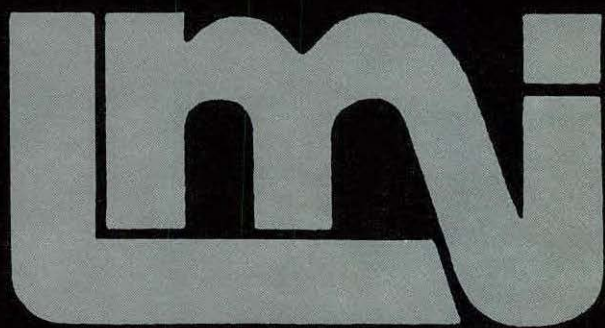
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firm specializes in large projects, and charges per square foot, variable with each project.

De Voss Office Interiors, 124 Denny Way, Seattle, (206) 284-1980. In business since 1931, De Voss Office Interiors is a "100% service-oriented business furnishings organization, including space planning and interior design," says A. E. Rein, partner. A wide selection of furnishings is on display (no machines), and four staff designers are available for consultation and more extensive service. The company does its own site preparation and installation. A fee is negotiated for the total package.

Emick/Howard and Associates, 61 Marion, Seattle, (206) 682-1516. Emick/Howard offers an extensive range of planning, interior design, and furnishing services. Jack Emick, partner, says the firm approaches design "from an architectural standpoint" and will also help search out buildings and negotiate the terms of a lease. Space planning is billed per square foot, and design is billed hourly to an agreed maximum. Furnishing contracts are presented to suppliers for competitive bid, or negotiated directly with a supplier of the client's choice.

Interspace Design, 911 Western Ave., Seattle, (206) 682-0560. According to R. F. Thompson, partner, Interspace Design provides space planning, interior design, and design implementation for commercial interiors. The firm specializes in open-office systems, which Thompson finds most adaptable and economical. Lighting designs are energy conservative ("on the work, not just the room"). Space planning is billed by the square foot, and design services are billed hourly per contract, not to exceed an agreed maximum.

Officemporium, 409 8th So., Seattle, (206) 682-4390. Officemporium is an office furniture and equipment retailer, and offers interior planning and design services to customers. Lawrence Imamura, manager and designer, says he is generous with advice on basic color and style coordination, and an initial design consultation is free. If more extensive services are needed, design alone is billed hourly, and provided free of charge with a purchase of \$5,000 or more.

Office Interiors of Seattle, 1219 Westlake N., Seattle, (206) 284-1111. Office Interiors, a "general contract design firm" of three designers, features space planning, interior design, and furniture specification services. To select the right furnishings, designers work from a catalogue library and visits to numerous manufacturers' showrooms, a process in which the client is gladly included. The firm charges a flat consultation fee for design, and a percentage mark-up for contracting of furnishings.

The Office Works, 429 Westlake Ave. N., Seattle, (206) 682-1752. The Office Works design firm offers a full

range of space planning and interior design services. Roger Collins, owner and manager, says his product is "space-change management," and stresses needs analysis and client involvement to ensure a successful "space-change." The firm also does "post-change follow up." Collins prefers to negotiate a fixed design fee, and will furnish a project, if desired, at designer's furniture discount, plus a percentage mark-up to cover services.

Professional Practice Environments, Inc., 4501 Shilshole N.W., Seattle, (206) 783-8582. Professional Practice provides space planning, interior design, and furnishing services, including architectural detail. Architect Daniel Dierks says "traditional" materials are usually employed, to enhance an image of professional quality, and comfort for the client. As a rule, the firm negotiates a flat fee for its services.

Marvin Stein and Associates, Inc., 1100 Olive Way, Seattle, (206) 623-2893. Marvin Stein and Associates is a full-service commercial design firm. Marvin Stein, President, says he approaches design in two phases: 1) Program and planning, which includes help with developing a budget, and long range space planning for future expansions; and 2) Interior design, an "evidence gathering" and "ambassadorial" effort toward making both general and private areas efficient, compatible, and satisfying. Stein stresses budget development as the first step in good planning, and says the firm will "design to those dollars."

Mayer Baron Total Concept Building Services, Ltd., 502 S. Lucille, Seattle, (206) 762-8330. According to Mayer Baron, President, Total Concept takes a "task force" approach to design, which employs three divisions for three phases of service: 1) Planning division — space planning, interior design, and furnishings specification; 2) Buying division — procurement of furnishings and building products; and 3) Coordinating division — leasing and financing of space, installation of carpets, drapes, and furniture, and architecture and construction, from rearranging walls to constructing a whole building. The firm works "within budget parameters" toward the most efficient environment, says Baron.

Spokane

Bell Furniture, W. 319 Riverside, Spokane, (509) 838-3661. Bell carries residential and executive office furnishings, and employs two staff designers to provide space planning and interior design services to customers. Furnishings may be chosen from store inventory, and Bell will special order if necessary, according to Desiree Burke, designer. Design service is complimentary. Bell also has a store in Richland.

Bloys Woolcott, N. 1232 Summit Blvd., Spokane, (509) 328-8029. Bloys Woolcott designers offer complete space planning, interior design and purchasing services



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for commercial interiors. In business for more than 20 years, Bloys Woolcott, President, believes in careful client consultation, and sees his role as that of a "problem solver." He works closely with the architect on new office projects, and prefers to buy furniture from local sources, for better value over all. Design fees are hourly.

Kershaw's, S. 119 Howard, Spokane, (509) 456-6500. In business since 1900, Kershaw's is an office furniture and equipment store with two staff designers who specialize in open office space planning and design. According to designer Coleen Monaghan, furnishings may be bought from store inventory or special ordered from outside sources, as preferred. A retainer fee is required for layout services, and part or all of the fee is rebated, according to services rendered and furniture purchased.

Tacoma

Design Concepts, Inc., Lakewood Center, 9524 Gravelly Lake Dr., S. W., Tacoma, (206) 581-1550. Design Concepts, Inc. offers a full range of services, including needs assessment, layout, design, furnishing, and on-site supervision of installers. Marlo Thompson, owner and designer, stresses early involvement in the design process to avoid costly mistakes and to achieve planned objectives. A good law office image, says Thompson, benefits the buyer and his or her practice. Services are billed per pre-negotiated letter of agreement.

Puget Sound Office Interiors, 1501 Pacific Ave., Tacoma, (206) 383-1434 in Tacoma, or (206) 623-0963 (Seattle number). Puget Sound Office Interiors has been in business since 1922 and features a 10,000 square foot showroom of carpets, wallcoverings, drapes, light fixtures, furniture—in short, according to President Paul A. Gray, everything for a "total office environment." A staff of three designers offers design service, and space layouts from previous projects are on display. Design fees are hourly, and complimentary with purchase of furnishings.

Tri-Cities

Richland Bell Furniture, 714 The Parkway, Richland, (509) 943-9111. "Most legal clients evidence stress of one kind or another, and an interesting, calming room is of benefit to the relationship," says David Rosser, interior designer at Richland Bell Furniture. The store employs a design staff of four, and provides space planning, interior design, and color coordination among its services. Design is complimentary with reasonable purchase from store inventory; more extensive service requiring outside purchases and detailed project coordination is billed by adding a percentage to the total cost of furnishings.

Frank Eliot's Interiors and Accessories, 1016 Lee Blvd., Richland, (509) 943-9212. According to owner and

manager Damon Harris, Frank Eliot's is an interior design firm specializing in professional and executive offices. The firm offers space planning and design services, and features a 4,000 square foot showroom of furniture, wallcoverings, carpets and drapes. Design consultation is billed hourly, and provided free of charge with purchase of furnishings.

Vancouver

Designed Interiors, 79 S.W. 1st, Portland, OR, (503) 228-7496. Designed Interiors offers 25 years of experience in interior planning, design and furnishing services. Don Steuckle, co-owner, says design is an important business investment, and a professional designer ideally should be a client's "partner" in understanding and fulfilling office design needs. Design fees are negotiable; furniture is purchased on a negotiable "cost-plus" basis.

Howard Hermanson & Associates, 1507 N.W. 24th, Portland, OR, (503) 222-1948. Howard Hermanson & Associates designers specialize in hospitals and professional offices, and offer planning, design, and furnishing services including lighting design and architectural detail. The firm will contract by the hour or on a flat rate basis as the client prefers.

Koplan's Furniture, Draperies and Carpets, 1012 Washington, Vancouver, (206) 695-3388. Koplan's carries residential and executive office furnishings, and specializes in "comfortable" interiors for offices (upholstered furniture and heavy wooden desks), according to Keith Koplan, owner of the 32 year-old family business. Staff designers offer free consultation on interior design and color coordination with reasonable purchase.

Wenatchee

Doré Interiors, 135 N. Wenatchee Ave., Wenatchee, (509) 663-2197. Doré features an 18,000 square foot showroom of fine furniture, draperies, and carpeting, according to Greg Johnson, one of three designers who offer space layout and interior design services. Custom-made carpets and windowcoverings are also available. All installation is closely supervised by the design staff. Design services are free with purchase of furnishings.

Yakima

Nashem's Contract Furnishings, 215 S. 4th Ave., Yakima, (509) 248-6497. In business for over 40 years, Nashem's is an interior design firm offering space planning, design, and buying services. A sample showroom features a diversified selection of furniture, draperies, carpets, and wallcoverings. Most furnishings are special ordered, offering better value due to lower overhead, says Gary Endres, designer. Design service is complimentary with reasonable purchase. □

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Selecting a Word Processing System for a Large Law Firm

by BARRY C. MILLS

Bogle & Gates is a 100+ lawyer firm located in Seattle, with branch offices in Anchorage and Washington, D.C. Up until last June we had a Mag Card Center with six word processing operators to support potentially the entire firm. Even though the Center used an ink jet printer for fast quality output, the system was cumbersome and effectively met the needs of only a few attorneys. Needless to say, many of our attorneys were frustrated over not having the kind of word processing support they felt their work required.

The firm then committed itself to expanding word processing support to accommodate any or all of the attorneys. To do this, several factors had to be considered. First was the question of centralization vs. decentralization. Since the number of secretarial workstations around the firm is fixed and other administrative space limited, a centralized Word Processing Center appeared to be most practical.

Second, due to space configuration, we had to maintain a 2:1 attorney to secretary ratio. A primary objective, then, became that of providing effective word processing support to the secretaries, thus freeing their time and enabling them to be of more assistance to their attorneys. In order for the Word Processing Center to be successful it had to provide a turnaround time equal to or faster than a secretary could retype second and third drafts. Since the majority of word processing work was original typing and revisions, the Center had a real opportunity to establish its reputation.

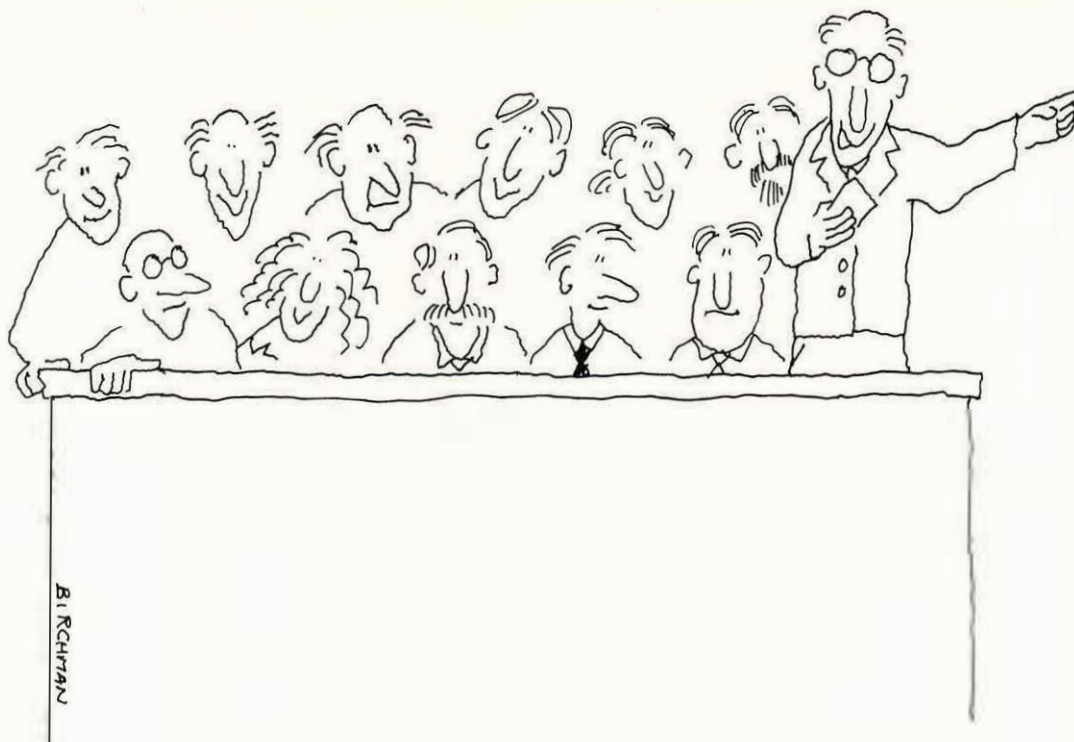
To solve the problem we had to select a new equipment system and develop new operating procedures for the Word Processing Center. The equipment had to meet

certain criteria. First, it had to be supported by an adequate service department. Quickly, this requirement eliminated several vendors. Second, since the equipment is subject to rapid technological change we wanted an expandable system, *i.e.*, one that is modular or capable of adding to and using older pieces of equipment. Third, the likelihood that we would need to communicate with branch offices was an important consideration, as was the possibility of interfacing with other manufacturers' equipment to meet varying needs. Therefore, our new equipment would have to complement or be compatible with other equipment as new developments took place. We also desired a system that could conveniently convert our mag cards to the new media.

A committee was formed to survey the market, study various proposals, attend demonstrations, consider various financing alternatives, and to make a recommendation to the Management Committee. The Word Processing Supervisor and several operators were included in the demonstration and equipment testing phases.

After careful consideration of the several proposals, the firm decided to install the WANG System 30. This shared logic system offered greater working storage capacity than many other units, plus easy access and retrieval of documents on diskettes. Our operators also favored the system's operating procedures over other equipment considered by the Committee. We decided to replace six Mag Cards and the ink jet printer with six CRT terminals and two final-copy Diablo printers. We selected the 450 line per minute chain printer over the 200 line per minute Matrix printer for rough drafts.

Financing alternatives came down to a purchase or



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lease decision. The firm preferred not to invest capital but wanted a good finance rate. It also wanted to have the flexibility of being able to trade or upgrade equipment during the lease period. U. S. Leasing, which offers a "Convert-a-Lease" program provided the best alternative at the time, and we consequently leased through them.

The conversion process went smoothly. New operating procedures were announced at the same time that professionals and staff were notified of the WANG decision. They were actually implemented at the same time that the new system became fully operational. Certain facilities requirements had to be met, such as provisions for air conditioning and anti-static requirements. We also had to convert 5,000 mag cards to diskettes before the equipment arrived. This was accomplished by our own staff in approximately one month with a Mag Card Converter provided by WANG. Our operators were trained in two groups to allow for continuity of support and phasing out of mag cards. The first group of operators was given some time to develop minimum proficiency on the system before the second group was trained. Training took place during the summer. After about two months' experience at full staff, the effects of the learning curve were that productivity in the Center tripled the output from the previous system.

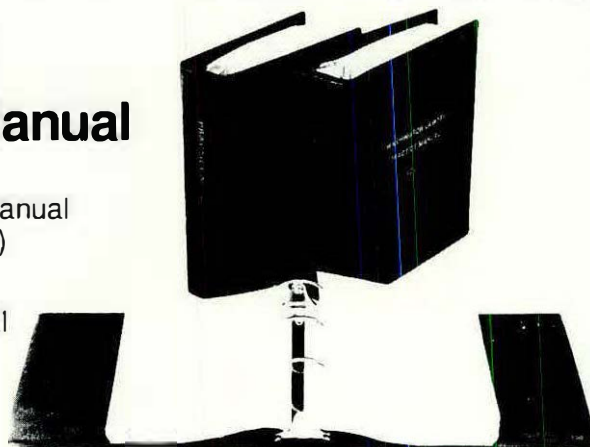
From the initial planning stages we expected that within two years the firm would be able to use an Optical Character Reader (OCR) which could interface with both our Word Processing and our Time Keeping systems. By November, however, we felt the opportunity had already presented itself. Most of the projects coming into word processing were being typed by secretaries, and the word processing operators were retyping them on the WANG system for further revisions. This duplication of effort could be eliminated with an OCR.



Barry C. Mills is Director of Administration for the Seattle law firm of Bogle & Gates.

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We knew the Center could be put to its most effective use by providing second drafts and final copies with a turnaround faster than a secretary could retype the document. Also, the best person to transcribe an attorney's dictation and/or read handwriting most accurately is the secretary. Therefore we decided to introduce the OCR and whenever possible have the secretaries provide the first draft for the WANG computer.

The OCR was introduced gradually, supporting the secretaries with the heaviest workloads first, establishing a positive reputation, then offering the Center's total capability to all attorneys. The orientation and training of secretaries to use the OCR was accomplished over a three and one-half month period. The secretaries to be trained were hand-selected and classes were limited to perhaps five secretaries at a time. This allowed the word processing operator in charge of OCR training to closely monitor the progress of new secretaries using the system, and the Center was able to absorb the additional workload. At this time, virtually every typewriter in the firm is an input terminal to the WANG Word Processing System.

In a year's time the Word Processing Center has made a great impact on the firm. We have an excellent staff with a willing "can do" attitude and skills to match. To date we still have only six CRT terminals, but we have added part-time staff for evenings and weekend support. Of

course, as workload increases we plan to add terminals and regular daytime and evening staff. Turnaround time on projects has been set at 24 hours for original typing; four hours for a document submitted that is already on disk (boilerplate or previous drafts); and one hour for a RUSH document with minor revisions. Generally, there is a five page minimum on documents typed in the Center. This does not include "boilerplate" (no minimum). Documents submitted by secretaries via OCR have a three page minimum. During this past year we opened two branch offices and equipped both of them with WANG System 5 Word Processing equipment. All of our systems can communicate with each other. Thus, the Seattle Word Processing Center can provide backup operator support to either office as needed.

Finally, all planning has not been perfect. The WANG and OCR systems have improved original recording and revision times to such an extent that we are now concerned about meeting demands for final copies of documents. Both of our printers are in constant use with documents in queue waiting to be printed. So, we are in the process of determining whether or not we should add additional Diablo printers or select one of the more sophisticated fibre-optic or laser printers. Some of our operators are happy about this problem. It's not often that humans can put pressure on machines! □

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A Small Firm's Decision to Go Word Processing

by DOUGLAS S. DUNHAM

The Wonderland of Word Processing

Recently, I sat down at one of our work stations (a T.V. screen that has a typewriter keyboard attached) to put together a series of simple probate documents for a personal representative who was coming in that afternoon. This probate involved a deceased husband and wife, and I wished to file both matters in the same proceeding. Rather than obtaining forms from one of the commercial sources or photocopying documents from another file involving a single deceased, revising the copied documents with the new information and handing it back to one of the secretaries to type out manually, I decided to do the initial revising on the word processor, as follows:

1. I requested our word processor to locate the documents of another probate of which I had been thinking;
2. I started a new page for the new probate (called creating a new document) and told the machine to copy all the documents I needed from the other probate onto my new page(s), which took only a moment;
3. I then requested the machine to search through and replace the name of the deceased in the first probate

with names of the two deceased people in this new probate (called "global search and replace"); I followed the same process with other easily changed repeated items like the name of the personal representative, dates and so on—a process that took just a few minutes;

4. I then ran the pleadings through the printer, which types in excess of 500 words per minute ((when we get bigger, we will probably add a line printer (for rough drafts only) which types at 1500 words a minute; and, there is a new image printer on the market that "types" final documents at 16 pages a minute));
5. I then fine tuned the materials with pencil and gave them back to the secretary who deleted words, changed paragraphs, inserted instantly certain materials where directed in final form on the screen. The entire project from beginning to end took about 1 hour and a half. This time will be greatly reduced when we get our systems down so that we can simply fill out one sheet with the variable information from our systems book, and the machine will show the documents and automatically stop and ask only the questions for which the new information needs to be typed, such as "Name

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of Deceased?" "Name of County?" "Date of Death?" and so on.

Other magic things the machine can do for our office . . . The machine allows us to revise lengthy documents, such as airplane purchase agreements, continually on the screen itself as they are being revised or negotiated, without constant reprinting of the drafts. The documents can be sent overseas or to Washington D.C. or across town in their final form to a machine with similar capability at the cost of a brief long distance phone call.

The machine can receive billing information or attorney calendar dates and sort them by attorney, by client, and by date for printing out detailed bills or keeping up a daily office calendar in almost any fashion desired. The gadgetry of these modern machines includes sophisticated computer games along with devices to process and print rapidly.

Why Did Our Firm Go Word Processing?

The process was not very scientific or courageous. Few enterprises can benefit more from word processing than the legal field. Today the more difficult questions are what type of machine should one obtain, from what manufacturer, and how should financing be handled, i.e. should it be rented, leased or bought, and if the latter, how much should be paid? Our firm began in September 1978 and we had all had some experience with the I.B.M. mag card machines in our previous practices. We calculated that it would cost us between \$200 and \$350 per month to have one of these first generation machines and made the decision to lease one because we felt it would (1) save substantially in secretarial cost, (2) be easier to manage than additional people, and (3) have essential long document revision capability for our land use planning and real estate practices, as well as speedy document production for our litigation work. *We knew that we would be sacrificing individual secretarial assistance and would need to operate on more of a pool concept. We*



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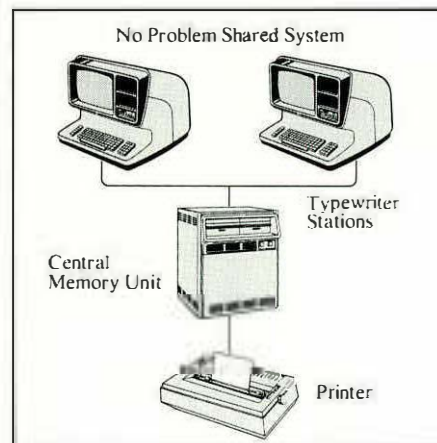
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What kind of typing or word processing system are you using now? _____

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felt that we could not afford individual secretaries for each attorney and made the decision to sacrifice some personal services to get our work product out.

For over a year now, we have been able to support the secretarial needs of eight attorneys and an occasional law clerk with a total staff of only four people. We have a full time receptionist, who does all the things that a busy receptionist should do, plus much of the photocopying, new file creations and so on. We have a full time typist, who spends half the day on a standard electric typewriter and half the day at word processing. We have a combination office manager, bookkeeper, and word processing expert (programmer). We have an assistant bookkeeper and half-time word processor. And that is it. All but the receptionist put in time at the word processor and none were trained legal secretaries when they first came to work for us. Because we were willing to train all our employees from scratch, we had to accept the inevitable errors that come from inexperienced legal typists. We were able to hire this type of support staff, in part because we had the capability to make corrections in a hurry. One result of this hiring policy is that we were able to hire our secretarial personnel for salaries less than firms our size must pay for experienced secretaries. Also, we were able to train such personnel in our own systems and to make adjustments in the salaries of those employees as their skills and abilities developed.

How Did We Answer the Tougher Questions?

What kind of system? We originally purchased a Wang, System 5, for \$12,600 on long term financing. The unit had a C.R.T. (T.V. screen type work station), a C.P.U. (central processing unit) and a printer. We could not find any comparable equipment at that time for less than \$15,000 from dealers who had full time service availability in the Puget Sound area. We have since upgraded to a Wang Model 25 II, which gives us almost all of the options and flexibility that our firm could utilize over the next ten years of growth. We have the capability to add up to 13 components (any combination of screens and printers) in the future for only the cost of the component and installation; we can add telecommunications for only \$2,500, which will allow us to transmit long documents to a client anywhere in the world at the cost of a long distance phone call, or add one of the computer research services like West-Law. We have storage capacity on our working disc of 1,000 pages that can be instantly called to the screen at any time, as opposed to about one page per mag card. We can add math and sort pages to assist our billing and time keeping records, and so on. Our present system costs us approximately \$800 per month, including all maintenance costs.

We arrived at this momentous decision to purchase the Wang without a lot of imagination but with some degree

of tolerance. Our first lead secretary, who helped set up the office, advised that she would not come to work for us unless we obtained a word processing system that had a C.R.T. (cathode ray tube, or T.V. screen). Faced with this first major hurdle to the commencement of our practice, we started looking. At that time, Wang's System 5 offered a C.R.T. system which typed as fast as the non-screen systems on the market for the same price, plus it had the additional selling point of being able to be upgraded when we were able to afford it. The system was easy to demonstrate and appeared easy to learn. It is very impressive to see one of these machines demonstrated for the first time.

Whether to Buy, Lease, or Rent? The Wang's purchase price was about \$2,000 more than our budget for monthly lease payments. We concluded that we could purchase the equipment for a monthly payment that was approximately one half of the amount of the lease charges. We were impressed enough with the Wang system that we did not feel that we were buying instant obsolescence.

We have had the System 5 for over 20 months. If Altman and Weil are accurate in their estimates that a word processing system is anywhere from 130% to 300% more efficient than a traditional electric typewriter *in the typing function* (See M. Altman & R. Weil, *How to Manage Your Law Office* §13.01, Matthew Bender, 1979), then we have probably paid for our System 5 in reduced secretarial cost, and we still have not had the time to utilize all of the functions of our machines or tap some of their most efficient aspects.

Our Word Processing Experience

We are basically pleased with our equipment. We have had very few breakdowns of our system and never a breakdown for a period longer than a day. One of the fears we had was that there would not be trained operators available to replace staff in an emergency or to be hired for the long run. This fear was increased by the fact that we were one of the first firms in Seattle to have a Wang system. This problem was in part solved by putting one of our attorneys through the operator school so that we would never really be a prisoner of the machine or the operator. The problem never really arose, as the machine is relatively easy to learn, and we were very fortunate to hire an experienced Wang operator who was interested in programming and law office management.

When we decided to purchase our equipment, we were confident that it was the correct equipment for us to obtain. Today there are a number of things happening in the field of word processing that should cause the small firm to stop and think about what it should do in this area.

Even within a company such as Wang there are separate divisions that sell word processors and that sell

computers that do word processing along with all your accounting. Since these divisions may be in competition for the same market, your word processing salesman is not necessarily going to advise you as to what his own company has in computers, and vice versa. In the computer market there are now outfits such as Analysts International Corporation that sell complete law office accounting systems for your word processing computer. I.B.M., which has not been competitive until recently in the C.R.T. (screen) word processing field, has entered in the competition with Wang, Xerox, Vydec, C.P.T. and others with a machine that will do most everything a small office wants for about \$9,000 and is less expensive than what they used to charge for their non-screen word processors. Additionally, there is a growing breed of small practitioners such as Jim Warne of Longview and Jerry Dolan of Port Orchard, who are putting together computer word processing systems themselves by purchasing the components at Radio Shack or similar outfits at one-third the cost of our present Wang system.

Recommendations

In the past it was true within the law office management framework that word processing equipment was directed toward power typing, while computers were

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assigned more to accounting and mathematical functions. Each firm had to decide which area it wanted to emphasize and look to the appropriate equipment, whether it be word processors or computers. While this difference in emphasis was certainly true two years ago, I'm not so sure that it is true today.

As a result of our experience with word processing, we have arrived at certain basic principles and beliefs:

First, if you elect to purchase word processing or computer equipment, select a system with a screen. Systems without screens are simply not as efficient or as easy to learn.

Second, commit one lawyer in your firm to knowing almost as much about the machine as your trained operators so that (1) you will not be a prisoner of the word processing operator as occurs in many offices, i.e. if your operator leaves on short notice or is sick, the power typing comes to a halt and no one is able to find documents stored on the magnetic discs or cards; (2) you will be able to understand and communicate with your staff better, and (3) you will be better able to approach new equipment, make upgrade decisions, and communicate with your equipment service and sales persons.

Third, shop around in both the word processing and computer markets. Both technology and sales information in the law firm market are expanding rapidly.

Fourth, the cost of these machines is less than the cost of additional secretaries. We estimate that one screen and printer can produce the same amount of work as between 1 and 2½ secretaries.

Fifth, the price of the standard screen, C.P.U., and printer should come down with the greater versatility of computers and the mass marketing of word processing equipment.

Sixth, do not purchase word processing equipment unless you are prepared to sacrifice some of the personal attention of a private secretary. Most firms who use the equipment do so in some type of secretarial pool context.

Seventh, there is a growing sophistication in the secretarial-operator market with word processing units that have screens. In the urban areas, the law firm no longer has to be greatly concerned with finding another operator trained in the same machine. This was a much greater problem with the non-screen type of machines.

Although we are happy with our choice made at the time we made it, we are further comforted by the fact that we were followed in our decision to pick the equipment we picked by many of the biggest firms in Seattle and a number of the smaller ones as well. Our feeling is similar to Dorothy's when she said, "Toto, I have a feeling we are not in Kansas anymore." □

Suggestions on Choosing a Word Processing System

by HENRY E. LIPPEK & G. LEE RAAEN

We recently decided to investigate the purchase of a word processing system. As novices in the field, we soon discovered that the selection of such a system for a small law office is a difficult task. There are hundreds of companies offering equipment and software. Prices, equipment, training and functional abilities vary greatly.

Proper comparison of the different systems is complex. There are no recognized benchmarks of performance which can be applied. Even though a number of systems may claim to perform identical functions, there can be great variation in what they actually do.

For example, in answer to a questionnaire we prepared, a number of vendors indicated that their equipment could perform attorney time-billing functions. However, most billing systems did not include trust accounting. Of the two that did, they did not merge the trust accounting with the billing functions. As a result, it was necessary to send two statements to a client: one reflecting charges and payments and another for trust balances. Some systems would not allow one client to be billed without updating all the rest of the client ledgers. Furthermore, we found a great deal of difference in the features which permit the operator to easily edit or correct a client file. Some vendors charged extra for the software program which did billing. The point of these illustrations is that without actually attending a number of demonstrations and asking pertinent questions, important differences would not have become evident.

The purpose of this article is to share with you infor-

mation we collected. We are not in any way experts in the field. There is a tremendous amount of information we do not have. We caution the reader to recognize that the information in the table accompanying this article may be already slightly out of date and incomplete as new systems are introduced and present ones are modified. A number of vendors indicated that improvements were just over the horizon. Some may now be available.

We prepared a questionnaire which requested information about capabilities and price quotations from a number of vendors of word processing systems. Our questionnaire is attached as EXHIBIT I to this article. We received responses on about two dozen systems. A summary of these responses is shown on EXHIBIT II. We did not verify the accuracy of these responses.

EXHIBIT II provides information about the features, capabilities, and prices associated with a number of systems. We did not scientifically select our sample of systems. We simply opened the Yellow Pages, the *Bar News* and *Fortune* magazine and wrote to the firms which seemed to offer the kind of system we were interested in. The information summarized in EXHIBIT II is the itemization of the responses we received. Once we received responses to our questionnaire and assembled them together, we narrowed the field to approximately 10 systems and went to demonstrations.

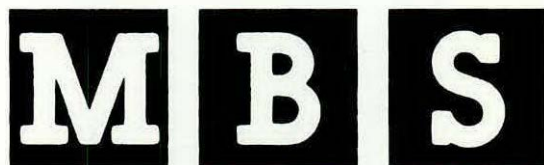
We determined that a word processing system would be cost effective for our office. This is in spite of the fact that we are not a very good candidate for standardization: we are a group of five independent attorneys, we are not

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highly specialized, and don't do very much standard form work. Ours is not a high volume practice.

Unless you have had some experience with a word processing system, it is difficult to quickly absorb the incredible abilities in the areas of editing, use of standard forms, document assembly, merging of information lists with standard forms, and others. We strongly recommend attending a demonstration to see available features first hand.

We desired a system that did both word and data processing; that is, a system that manipulated both words and numbers. Traditionally, word and data processing have been accomplished by different machines. Now that both capabilities are available on one system, some compromises have been made. Most of the systems that are primarily word processors have only limited data processing capabilities. The data processors that are programmed for word processing do well with numbers but are generally more complex to operate for word processing.

Word processors were a little like cars—they all performed basically the same function but there was great variation in how certain functions were accomplished. Some of the significant differences included a substantial variation in the complexity of operation; the capability to perform complex and simultaneous merg-

ing functions; and the improved efficiency that one can expect from a given system.

We also discovered that there were wide variations in the amount of training that the system vendor provided. It ranged from about four hours to eighty hours. Some vendors provided training on their own premises while others had a program at the purchaser's offices. We regarded training as being important. All of the systems are quite complex to operate, and learning how to do it right the first time can greatly improve productivity.

Although many word processors can be self-



Henry E. Lippek and Gary Lee Rauert are in private practice in Seattle.

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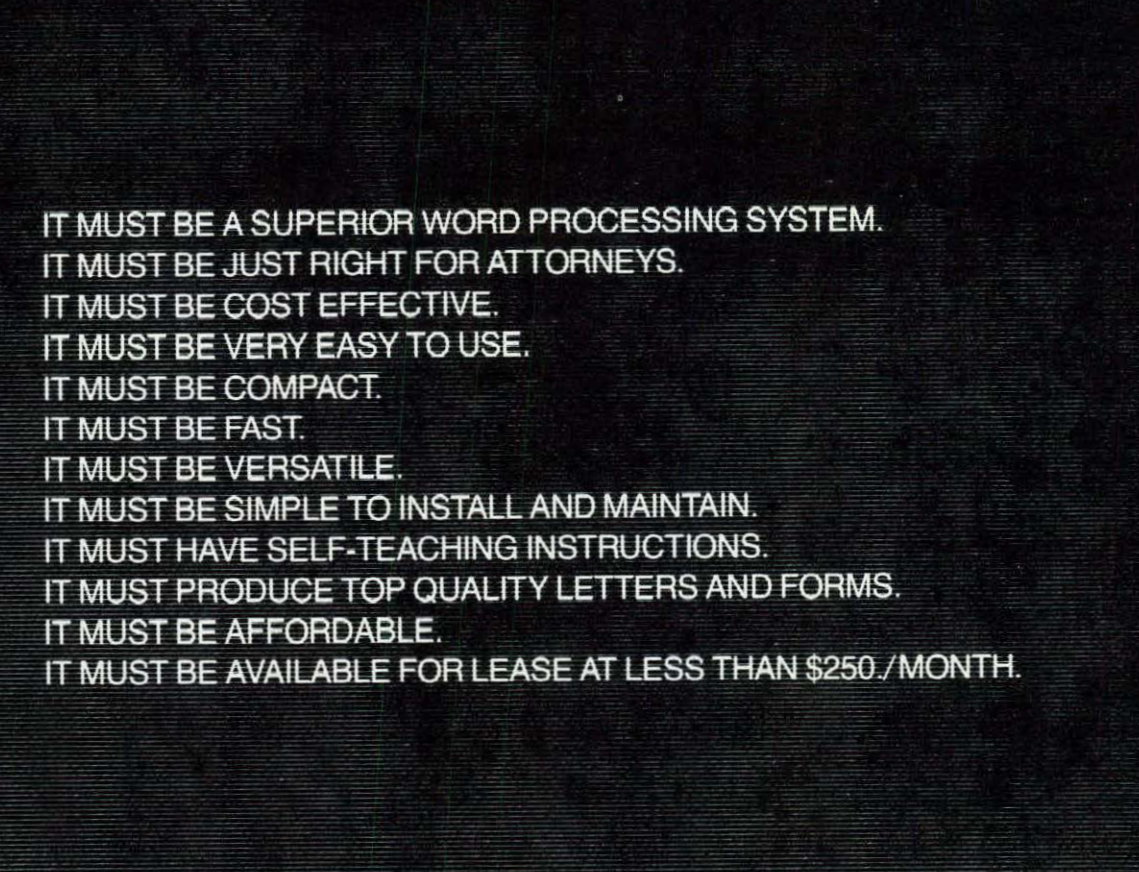
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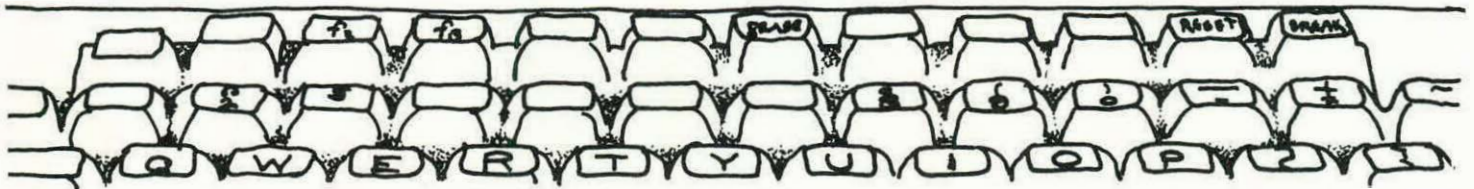
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programmed, creating a new program is complex and requires far more time than a typical operator would have available. Although some sales people may tell you that you can write your own programs to get the system to do what you want it to, unless you have specialized training in the area, you should not rely on such representations. Programs may require the investment of hundreds of programmer's hours in developing software.

Many of the systems, with communications options, are capable of accessing West Law. We are not sure that this is a significant advantage. If one wanted an electronic library, it would probably be better to have a separate terminal dedicated to that purpose. Otherwise, legal research could be disruptive of word or data processing activities. In addition, because the per-unit time charge is quite high, it would also be desirable to have a faster printer (which is usually not of typewriter quality, except at great expense) to save computer time.

The purchase agreement is important. Some vendors refuse to modify their standard form, but most will consider modifications. Terms that a computer system purchaser should seek to have included are the following: If a maintenance contract is not initially entered into, provision should be made to assure that a maintenance contract will be available later at a prevailing price. The training program scope and duration should be detailed. Response time to service calls should be specified, as well as liquidated damages in the event that the purchaser's system is not made operational within a specified time. If the software is not in wide use, performance parameters should be established. It is also important to make sure that warranties of merchantability are not disclaimed. In the event that financing from a source other than the vendor is used, arrange to make a partial payment on delivery with the remaining payment to be made at a specified time later, upon full performance by the vendor.

Ironically, some of the largest names in the word processing business are not now on the cutting edge of technological development or specialized law office application of their systems. Ultimately, the system chosen must be carefully matched to each firm's requirements.

After going through the process of analyzing the responses to the questionnaire and seeing a number of demonstrations, we chose to acquire the Omegabyte Law System marketed by Computerware, Inc. This is a data processing system with word processing capability. We chose it because of its client accounting and time management program, because of extensive training, and because this firm specializes in systems for small law offices. Our runner-up system was the Xerox 860.

We hope that the accompanying questionnaire and table will be of help if you are facing the equipment search process.

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EXHIBIT I

REQUEST FOR WORD PROCESSING INFORMATION AND PRICE QUOTATION

I. Person preparing this form:

Name _____
Company _____
Address _____
Phone No. _____

II. System features:

Please identify system model & no. _____

- | | | | |
|----|---|----------|----|
| a. | Software-based logic | yes | no |
| b. | CRT display | yes | no |
| | If "yes"—number of lines of display | _____ | |
| | If "yes"—does the CRT display the lines as the printer will print? | yes | no |
| c. | Print speed: (characters per second) | | |
| | i. standard printer | _____ | |
| | ii. optional printer | _____ | |
| | (additional cost of optional printer) | \$ _____ | |
| d. | Recording medium: (place 'x' on appropriate line) | | |
| | i. diskette | _____ | |
| | ii. card | _____ | |
| | iii. cassette | _____ | |
| | iv. other (please specify) | _____ | |
| e. | Capacity in number of characters of each disk, card or cassette | _____ | |
| f. | Current list price of one disk, card or cassette used by the system. | \$ _____ | |
| g. | Current list price of one best quality carbon-film ribbon cartridge. | \$ _____ | |
| h. | Stored phrases: | | |
| | Does the equipment have an internal memory so that routine phrases can be recalled rather than retyped? | yes | no |
| | If "yes", how many characters can be stored? | _____ | |
| i. | Does the equipment have the capacity to delete and move without retyping: | | |
| | i. sentences (that are not line length) | yes | no |
| | ii. paragraphs | yes | no |
| j. | Does the equipment have a global search and replace feature? (Where for example if John Smith appears in a document 8 times, can the equipment change it to Jon Smyth by retyping only once?) | yes | no |
| k. | Does the equipment have an automatic | | |
| | i. page or | yes | no |
| | ii. paragraph renumbering feature | yes | no |
| l. | Can the operator be entering new documents (typing material on the display) while the printer is printing out other material? | yes | no |
| m. | Automatic repagination: (Does the equipment automatically printout pages of the specified length to remedy odd-length pages resulting from insertions and deletions?) | yes | no |

- | | | | |
|----|---|----------|----|
| n. | Does the equipment justify right margins? | yes | no |
| o. | Can a second display and keyboard be added to the system to operate a common printer? | yes | no |
| | What cost? | \$ _____ | |
| p. | Does the system have an automatic carriage return? | yes | no |
| q. | Is a software program available to do client billings, timekeeping, payroll accounts payable, and general ledger? | yes | no |
| | If "yes", what is your list price for such a program? | \$ _____ | |
| r. | Can the user prepare his/her own software? | yes | no |
| s. | Is the system capable of doing arithmetical computations? | yes | no |
| | If so, what is the additional cost of such a feature? | \$ _____ | |
| t. | Does the system have a separate numerical calculator keyboard? | yes | no |
| | If so, what is the extra cost of such a feature? | \$ _____ | |

III. Vendor Information

- | | | | |
|----|--|----------|--------|
| a. | Approximate number of word processing units delivered in Seattle area. | _____ | |
| b. | Present charge per year for a full service contract on the equipment. | \$ _____ | |
| c. | Estimated annual maintenance costs (if not covered by service contract). | \$ _____ | |
| d. | Length of manufacturer's warranty. | _____ | |
| e. | Delivery lead-time from date of order. | _____ | |
| f. | What is the estimated length of operator training required to be proficient? | _____ | days. |
| g. | Does the vendor or the manufacturer provide free operator training? | yes | no |
| | If "yes", how many hours of training? | _____ | hours. |
| | Is such training in purchasers office? | yes | no |

IV. Price

- | | | |
|----|--|----------|
| a. | Cash purchase price for delivered unit with features checked above | \$ _____ |
| b. | Monthly payment if financed by vendor over 3 years. | \$ _____ |
| c. | Monthly lease charge based on 3 year lease. | \$ _____ |

EXHIBIT II

	Alpine WD78	Benchmark Syst. 84/22	Computer Sales Compucorp 6xx	Computerware Megabyte Law System	Datapoint 1802 & 9602	Efficiency, Inc. CPT 6000	Efficiency, Inc. CPT 8000	IBM Mag Card II	IBM System 6	Lanier No Problem
a. Software-based logic	yes	yes	yes	yes	yes	yes	yes	no	no	yes
b. CRT display	yes	yes	yes	yes	yes	yes	yes	no	yes	yes
No. of lines of display:	24	24	opt. 20 or 60	24	24	21	SS Full Page		6 lines	26
Does the CRT display the lines as the printer will print?	yes	yes	yes	yes	yes		yes		yes	yes
c. Print speed (characters per second):	45	45	various speed printers, 13 thru 240	55	45	40 or 45	40 or 45	15.5	55	45
d. Capacity in number of characters of each disk, card or cassette:	530,000	200,000	163,000 Md 655 315,000 Md 665	180,000	500,000	315,392	315,256	5,000	276,000	70,000
e. Current list price of one disk, card or cassette used by the system:	\$6	\$7	\$5	\$3	\$8 - \$10	\$7	\$7	\$1	\$5	1-10 \$9 10-200 \$5
f. Current list price of one best quality carbon-film ribbon cartridge:	\$6	\$4	\$8	\$6	\$10 - \$15	\$4	\$4		\$3	\$4
g. Stores phrases: Does the equipment have an internal memory so that routine phrases can be re- called rather than retyped? If "yes", how many char- acters can be stored?	yes Up to 150 pages	yes disc capacity	yes	yes 180,000	yes 400	yes disk capacity	yes disk capacity	yes 5,000/card 8,000/memory	yes 276,000	yes disk capacity
h. Does the equipment have the capacity to delete and move without retyping:										
i. sentences (that are not line length):	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
ii. paragraphs:	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
i. Does the equipment have a global search and re- place feature? (Where for example if John Smith appears in a document 8 times, can the equipment change it to Jon Smyth by retyping only once?)	yes	yes	yes	yes	yes	yes	yes	no	yes	yes
j. Does the equipment have an automatic:										
i. page or	yes	yes	yes	yes	yes	no	yes	no	yes	yes
ii. paragraph renumber- ing feature:	yes	yes		no	no	no	yes	no	yes	no
k. Can the operator be entering new documents (typing material on the display) while the printer is printing out other materials?	yes	yes	yes	yes	no	yes	yes	no	yes	yes
l. Automatic repagination: (Does the equipment automatically printout pages of the specified length to remedy off- length pages resulting from insertions and deletions?)	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
m. Does the equipment justify right margins?	yes	yes	yes	yes	yes	yes	yes	no	yes	yes
n. Can a second display and keyboard be added to the system to operate a common printer? What cost?	yes	yes \$6,900	yes	yes \$9,000	yes \$11,000	yes \$7,400	yes \$7,400 to \$11,400	no	yes	yes \$10,560
o. Is a software program avail- able to do client billings, timekeeping, payroll, accounts payable, and general ledger? If "yes", what is the list price for such a program?	yes	yes \$1,400	yes	yes no charge	yes no charge	yes no charge	yes no charge	no	yes no charge	yes \$1,000
p. Can the user prepare his/ her own software?	yes	yes	yes	yes	yes	yes	yes	no	no	yes
q. Is the system capable of doing arithmetical computations?	yes	yes	yes	yes	no	no	yes	no	no	yes

**NOTES TO
EXHIBIT II**

1. Amounts are rounded to the nearest dollar.
2. Some features are not standard, such as the calculator keyboard, and are not included in the quoted price.
3. Prices quoted exclude sales tax.
4. Prices on leases may or may not include "down payment".
5. Typical down payments are 10 to 15 percent of what would otherwise be the purchase price.
6. Most information was submitted between April 15 to July 1, 1980.

Manus WD 78	Micro Business Vector Graphic System 8	Micro 7 Vector Graphic	Radio Shack TRS 80 II	Stat Stat 60	Vydec QYX Level 4	Vydec QYX Level 5	Vydec 1800	Vydec 2000	Wang System 5 Model III	Xerox 850 & 860	Billings BMS 12FD	Royal 7000
yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
yes 24	yes 24	yes 24	yes 24	yes 24	yes 24 characters	yes 24	yes 64	yes 12	yes 24	yes 66	yes 24	yes 24
yes	no	yes	yes	yes	no	no	yes	yes	no	yes	yes	yes
45	45	45	55	55	25	25	32	30	40	35	55	45
256,256	315,000	300,000	500,000	600,000	60,000	60,000	500,000	150,000	300,000	300,000	320,000	80,000
\$6	\$6	\$8	\$7	\$10	\$7	\$7	\$6	\$5	\$7	\$7	\$6	
\$5	\$7 first \$5 reload	\$5-\$6		\$12	\$6	\$6	\$5	\$4	\$6	\$7	\$8	
yes 100,000	yes disk storage	yes disk capacity	yes	yes 22,000	yes 1,000	yes 1,000	yes 4,093	yes 16,000	yes disk capacity	yes	yes 56,000	yes 96,000
yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
yes	yes	yes	yes	yes	no	no	yes	yes	yes	yes	yes	yes
no	no	yes	no	yes	no	no	yes	yes	yes	yes	yes	no
yes	no	yes	no	yes	no	no	yes	yes	yes	yes	no	yes
yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
yes \$10.495	yes \$2.000	yes -0-	yes \$3,450	yes \$2,200	no	no	yes \$5,000 to \$9,700	no	yes \$8,900	yes		yes \$8,000
yes \$10.495	yes	yes	yes	yes \$2,500	no	no	yes	no	no/yes no charge	yes 850 no charge 860 \$800	yes no charge	Billing only
yes	yes	yes/no	yes	yes	no	no	no	no	yes	yes	yes	no
yes/no	yes	yes	yes	yes	no	no	yes	no	yes	no 850 yes 860	yes	no

Continued on next page.

Continued from previous page.

	Alpine WD 78	Benchmark Syst. 84/22	Computer Sales Compucorp 6xx	Computerware Omegabyte Law System	Datapoint 1802 & 9602	Efficiency, Inc. CPT 6000	Efficiency, Inc. CPT 8000	IBM Mag Card II	IBM System 6	Lanier No Problem
r. Does the system have a separate numerical calculator keyboard?	yes	yes	yes	yes	yes	yes	yes	no	no	no
Vendor Information										
a. Approximate number of word processing units delivered in Seattle area:	Alpine 30 + DEC 250 +	100 +	12	2	100	200	200			240
b. Present charge per year for a full service contract on the equipment:	\$1,404	\$1,680	\$890	\$1,440	\$1,760	\$960	\$1,020	\$612	\$1,656	\$903
c. Estimated annual maintenance costs (if not covered by service contract):	?	?	?	?	?	?	?	?	?	?
d. Length of manufacturer's warranty:	30 days	90 days	30 days	90 days	30 days	90 days	90 days	90 days	90 days	90 days
e. Delivery lead-time from date of order:	30 days	30 days	30-45 days	30 days	20-22 wks	30-45 days	30-45 days	60 days	80 days	10 days
f. Does the vendor or the manufacturer provide free operator training? If "yes", how many hours of training?	yes 10 hours each/2 pers.	yes, 2 people 2 to 3 days	yes, 1 person 3 days	yes 65-80 hours	no 5 days required	yes 2 days	yes 2 days	yes 24 hours	yes 32 hours	yes 2 to 3 days
g. Is such training in purchaser's office:	no	yes	yes	yes	no	yes	yes or no	yes	yes or no	yes
Price										
a. Cash purchase price for delivered unit with features checked above:	\$16,000	\$11,495	\$10,600 with billing	\$15,000	\$16,275	\$11,500	\$15,500	\$7,580	\$13,650	\$14,250
b. Monthly payment if financed by vendor over 3 years:				\$576		\$329	\$575	\$257	\$462	
c. Monthly lease charge based on 3 year lease:		\$295		\$429	\$483	\$329	\$575	\$301/2 yrs.	\$544	\$527

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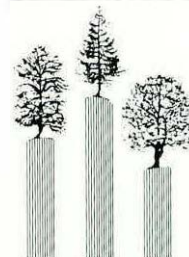
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Manus WD78	Micro Business Vector Graphic System B	Micro 7 Vector Graphic	Radio Shack TRS 80 II	Stat Stat 60	Vydec QYX Level 4	Vydec QYX Level 5	Vydec 1800	Vydec 2000	Wang System 5 Model III	Xerox 850 & 860	Billings BMS 12FD	Royal 7000
yes	yes	yes	yes	yes	no	no	no	no	yes	no	yes	no
100	8	5	100	20	23	23	0	0	500+	900	2	4
\$1,404	\$780	\$625	20%	\$2,100	\$648	\$852	\$1,260	\$780	\$983	\$1,320	\$1,400	\$900
?	?	?	?	?	?	?	?	?	?	?	\$1,000	?
30 days	180 days	90 days	90 days	90 days	90 days	90 days	60 days	60 days	90 days	90 days	90 days	90 days
15-30 days	20 days	30 days	80 days	30 days	30-45 days	30-45 days	60-90 days	60-90 days	90 days	30-60 days	30 days	7 days
yes 12 hours	yes	yes 2 hrs/software package	yes 2 hours	no	yes 2 days	yes 2 days	yes 18 hours	yes 2 days	yes 4 1/2 days	yes 40 hrs.	yes 4 hrs.	yes 48 hours
yes or no	yes	yes	yes	yes	yes	yes	yes	yes	yes	no	yes	yes
\$14,490	\$11,400	\$10,500	\$8,500	\$17,465	\$6,900	\$8,700	\$13,700	\$9,990	\$13,900	850: \$12,200 860: \$15,300	\$10,385	\$11,900
		\$340	\$350		\$262	\$330	\$514	\$380	\$612 for rental	850: \$551 860: \$668		
\$536	\$445	\$240	\$296	\$638	\$262	\$330	\$553/2 yrs.	\$412/2 yrs.	\$528	850: \$536 860: \$626	\$270 for 5 year lease	\$341/48 mo.

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Reducing Malpractice Through Computerized Docket Control

by GARY R. GARRETT, Ph.D.

I. Introduction to Docket Control Systems

Without question, the two largest causes of malpractice are missed dates and appearances. In other words, the average attorney most often commits malpractice because he/she has a faulty docket control system or none at all. For lack of a simple docket system, attorneys risk, at the least, professional embarrassment and financial liability.

Common reasons for recent malpractice suits include:

Default judgments for failure to appear before a court;
Unanswered interrogatories within time required by law;

Unfiled pleadings:

Unfiled documents within the legally prescribed period; and,

Failure to commence action before the expiration of the statute of limitations.

It is obvious that such transgressions are avoidable. Skyrocketing malpractice insurance rates can be brought back into line only if attorneys recognize that they must maintain control over calendar commitments. Premium reductions can be and have been realized by firms convincing insurance carriers they have effective docket control systems when completing the application request to "Describe your docket and tickler systems." Most importantly, however, a good docket control system ultimately protects the interests of both attorneys and their clients.

It is incumbent upon every lawyer and law firm to develop a docket control system that reminds an attorney to perform his or her responsibilities in a timely fashion and be informed as to time frames and important dates. Further, if an attorney dies or is disabled, a docket system facilitates an orderly transition.

A docket is defined by Webster as "a formal abridged record of the proceedings in a legal action" (a register of such records); or a "calendar of business to be acted on." Implicit in a docket system is the tickler function for other important dates and deadlines. Thus, in a law firm this will mean a schedule of events and an infallible system of attorney notification of same.

Whatever your practice, be it estate, securities, litigation, or corporation, common sense dictates that a docket control system be developed that will:

1. Categorize basic, frequently needed information;
2. Act as a checklist for what to do, when to do it, whether it has been done, and when it was done;
3. Instruct staff and attorneys as to their responsibilities in the docketing process; and
4. Be readily understandable and easily utilized (remember the kiss theory—keep it simple, stupid).

The following is a detailed description of the types of systems available for usage in both a small firm and a more complex, larger firm.

II. Types of Systems

A. *Manual.* A desk (or book-type) calendar method, usually handwritten and maintained by each attorney's secretary. It may also provide a diary function as it documents all the time spent by the lawyer.

Comment: The manual system will work in a small office. It is duplicative as the attorney's and secretary's calendars will contain the same information. The diary function is now being replaced by automated legal time-management systems.

B. *Card or Slip Tickler System.* A centralized tickler location and responsibility. Attorney or secretary completes a card or notepad form which is then indexed by "Reminder Date" in a card box with monthly and daily dividers. Samples:

The Law Office and the Computer

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Both of these systems are available from MANUS.

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TICKLER		Corporate ☐
		Other ☐
Remind _____	Date Due _____	
	Reminder date: _____	
TITLE _____		
Remarks:		File:
Advised	From _____	
	Date: _____	

Courtesy of Davis, Wright, Todd, Riese & Jones.

EXHIBIT I

These are pulled and distributed on the appropriate day.

Comment: This system is inconvenient and therefore not frequently effective in a larger office environment. Responsibility falls on the attorney and/or the secretary to complete the forms. Unless carefully monitored, the

card or slip system can be less efficient than Type A above.

C. Follow-Up File System. This must be created as a supplement to Types A or B and maintained by the secretary. It is organized on the same basis as the Card or Slip Tickler System above but uses actual copies of the

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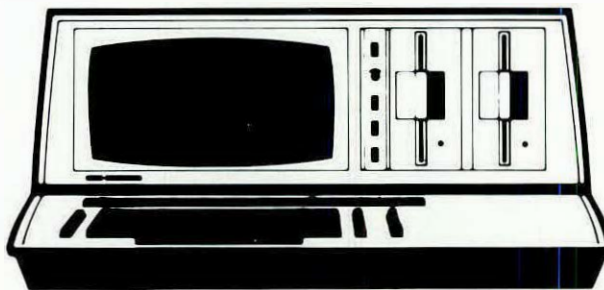
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PREPARED BY 1		CLIENT 1		DATE ATTORNEY TO BE NOTIFIED	
DATE		BY		MATTER 1	
				SEC'Y. INITIALS	
				DATE	

(COMPLETE FORM AS FOLLOWS)

1. Attorney fills out all information.
2. Passes slip to secretary who notes on her calendar and initials slip
3. On notification date, secretary returns slip to attorney for attention.
4. Attorney initials and dates.
5. Attorney passes slip back to secretary who initials and dates.
6. Secretary files slip in case file.

1 ☐ APPEARANCE DATE _____

1 ☐ ANSWER DATE _____

1 ☐ STATUTE OF LIMITATIONS DATE
(WHEN CLIENT IS PLAINTIFF) _____

1 ☐ COMPLAINT FILING DATE
(WHEN CLIENT IS PLAINTIFF) _____

1 OTHER: _____

REQUIRED ACTION COMPLETED BY	
ATTORNEY: — 4	SECRETARY — 5
DATE —	DATE —

Courtesy of Williams, Lanza, Kastner & Gibbs

EXHIBIT II

letters or pleadings as "Action Reminders." These are filed in a file folder, in reverse chronological order. The volume will dictate whether this is one file or a cabinet drawer.

Comment: It must exist as a secondary system. It is not suitable for the majority of dates but only those which are documented, such as:

1. Interrogatories sent out for answer which can be

date filed under the due date 20 days later with note to do a motion to compel answers;

2. Summons and complaint filed with the affidavit of service to default after 20 days (or 60 days if published or out of state); or
3. Demand letter (on collection matter) filed for commencement of suit ten days after mailing of letter.

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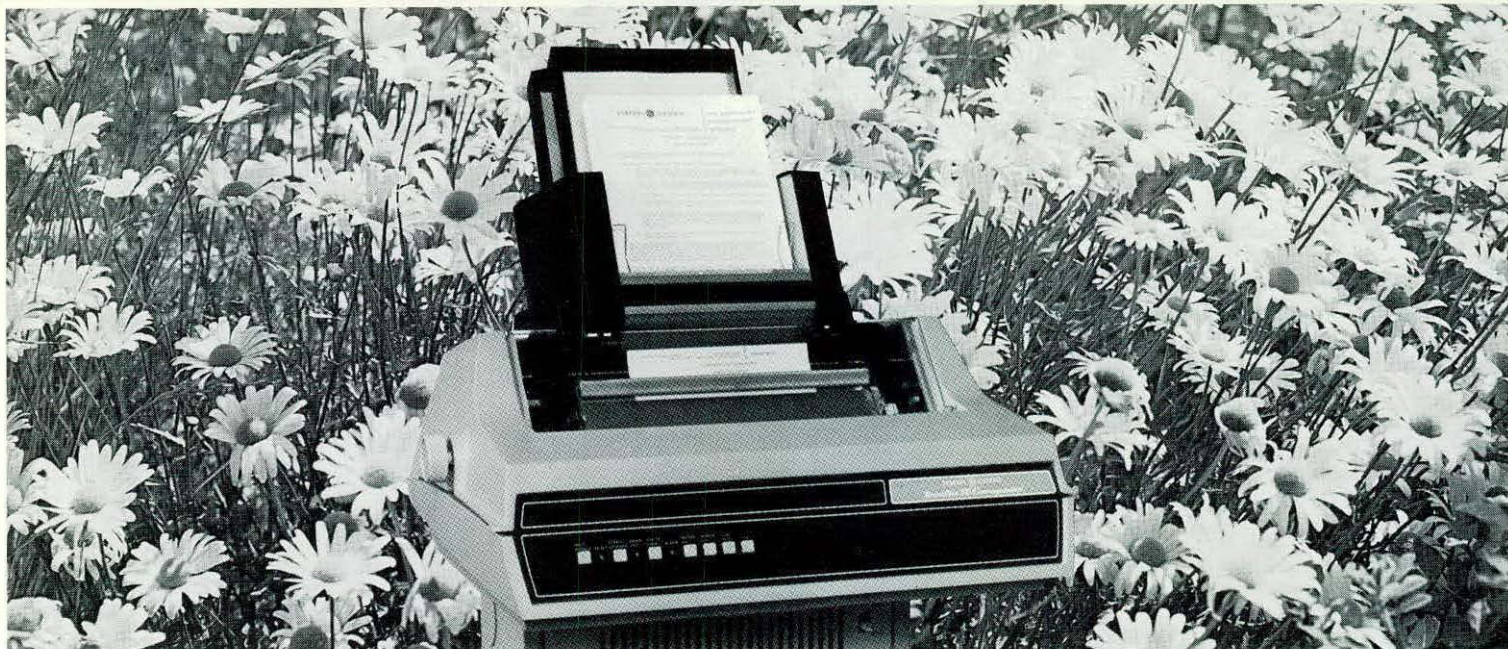
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Even at 510 cps, printed characters are crisp, sharp and highly legible. And you can select from a wide variety of readily available styles and fonts.

Plus, the printer can accommodate most letterhead stocks as well as pin-feed forms from 3" to 14 1/2". In addition, twin six-pin tractors and a separate servo-driven motor assure smooth paper handling system operation and precise paper alignment and accuracy. And with the optional dual-hopper cut-sheet feeder, operators can use both continuous forms and single-cut sheets.

A correspondence printer and a line printer

The TermiNet 510 Corresponder is actually two printers for the price of one.

With a carbon-film ribbon, you have the TermiNet 510 Corresponder.

The one that speeds along at an amazing 510 characters per second. That's ten times faster than most "daisies." Use the standard nylon inked ribbon and you get the high performance of our 340 line printer. The one that's proven its versatility and ruggedness at 340 lines per minute for the widest range of data processing requirements.

Convenience? Any operator can change ribbons in just a few minutes. Cleanly and easily.

High speed plus high performance

While each carbon ribbon provides more than 1.5 million characters, the nylon ribbon cartridges will last at least 100 million characters.

And, like all TermiNet printers, the new 510 Corresponder is built to take constant high-speed use. Superior engineering plus long-life materials and components see to that.

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Name

Title

Company

Address

City State Zip

Telephone

This type of reminder system is often cumbersome if extra copies of documents are not readily available.

D. Computer-Based Docket Control System. A pre-packaged computer program can be functional in a large legal office environment to serve as a firm-wide calendar. All information should be entered and stored for automatic retrieval and print-out on a daily, weekly, monthly, or annual basis. This can be printed per specific attorney, by class of attorney, or other classifications such as clerk, legal assistant, etc.

1. **Input:** Initially input is done by transfer of existing tickler dates (types A through C above) to the program. Day-to-day input is then done by attorney or secretary by completing a simple form which indicates, at the least, the person to be reminded, the date on which the reminder is due, the date the action (or event) will take place, and the message. Input may also be initiated by a file clerk upon opening of new files, a litigation clerk upon receiving or sending pleadings, or any other point of contact with relevant "triggers". A sample of a form for input to a computer system is as follows:

EXHIBIT III

TICKLER (DOCKET CONTROL)

TO: DOCKET CLERK	FROM: _____ Ext: _____
Remind:	Remind When:
☐ _____	☐ _____ (remind once)
☐ All Partners	☐ Remind weekly for _____ weeks
	commencing _____
☐ All Associates	☐ Remind monthly for _____ months
	commencing _____
☐ All Staff	☐ Remind annually on _____
☐ other: _____	☐ Other: _____

DUE DATE AND TIME: _____ a.m./p.m.

Case or File Name: _____

MESSAGE: _____

Retain on computer after reminding:

_____ no _____ yes—If "yes", how long: _____

To Computer: _____

Date/Initials

2. Specific Types of Dates to Be Logged:

a. Personal:

Appointments (doctor, etc.)

Seminars

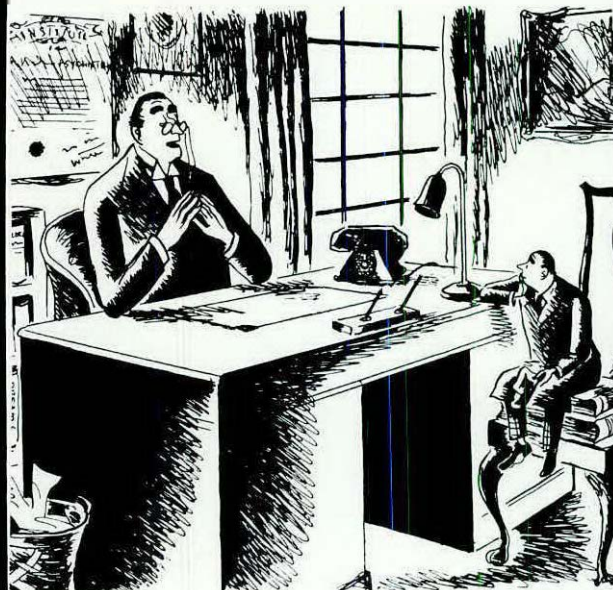
Vacations

Holidays

Birthdays

Miscellaneous personal events.

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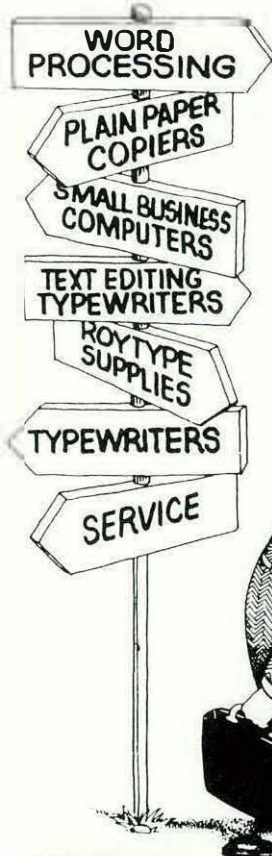
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 - Hearing and trial dates
- d. *Professional:*
 - Management reports
 - Notary renewal dates
 - Bar Association dues
 - Insurance premiums
 - Loan and interest payments
 - Payments—rent, tax, salary, etc.
 - Firm meetings, luncheons, etc.
- e. *Specific categories of law:*
 - Probate (tax return filing dates, etc.)
 - Corporate (shareholder, director meetings)
 - Litigation (statute of limitations)
 - Estate planning (three-year review of wills and trusts)

3. *Sources of Dates:*

- a. Attorneys and secretaries
- b. Office management schedules (meetings, etc.)
- c. Review of incoming/outgoing mail
- d. Review of incoming/outgoing pleadings
- e. Trial notices (could possibly duplicate or expand information necessary for litigation reports)
- f. Newspapers and published material

4. *Frequency of Printout:*

- a. *Weekly*—Print on Thursday of each week for distribution on Friday. Reports to include all items for the following week.



Gary R. Garrett, Ph.D. is Director of Administration for the Seattle law firm of Davis, Wright, Todd, Riese & Jones.

b. *Monthly*—Printout between the 15th and 20th of each month for distribution on the 20th. Report to contain all items occurring in the next 40 days.

c. *Yearly*—Printout (retroactively) all firm/administrative materials to report/plan/budget/reschedule for the next year (November).

d. *On Demand*—Any printout is also available on request.

5. Format of Printout:

Date and person being notified should be set out clearly. "Message" can contain all other notification information. An example is as follows:

EXHIBIT IV

SELECTIVE DOCKET REPORT

DATE/TIME	ATTORNEY	MESSAGE
06/10/80	Brown	Deposition of wife on 06/25/80 at 1:30 p.m. - <i>Doe v. Doe</i> ; call to confirm court reporter and arrange for large conference room; prepare financial statements for review prior to deposition.
06/10/80	Brown	Partnership meeting; 4:30 p.m.; 47th Floor Large Conference Room
06/10/80	Brown	Kimberly's birthday 06/15/80
06/10/80	Brown	Motion to compel answers to interrogatories on 6/11/80, 9:00 a.m., King Co. Superior Court
06/10/80	Brown	Verify travel arrangements for seminar attendance 07/09/80 through 07/15/80, confirm hotel
06/10/80	Brown	Call John Thompson regarding lease extension; File #4890-334-12, McNaughton Corporation

III. CONCLUSION

In any formal system, maintenance of and firm-wide responsibility for a system must be centralized. The duties of Docket Clerk include gathering and receiving information, coding of the information received, entry of dates and messages into computer, correction and updating of existing records, scheduling of report printing, timely delivery of reports, maintenance of centralized records ("hard copies" of purged dates, etc.), and maintenance of records relating to the system function to include manuals setting forth procedures.

Despite the good intent of any well-designed docket control system, without the cooperation of the parties involved, the system is doomed to failure. Remember that the key to avoiding costly embarrassing malpractice allegations is to include both staff and attorneys in the design and maintenance of the system through regular meetings and frequent spot checks of the existing docket control system. Lawyer responsibility for the acceptance and utilization of a docket control system is, however, ultimately required. □

Things To Do Today

Darex Found Guilty!

SEATTLE — (ODP) — The Darex Company, a Seattle-based word and data processing supply firm, was found guilty this morning of offering the best deal in town.

The judgement against Darex concerned their complete line of ODP (office data products) and was handed down on three counts: 1) low, low prices; 2) fast, efficient service, and 3) a complete line of magnetic media supplies. A fourth count, Darex's 100% guarantee that their ODP products will not lose any program information (a common occurrence even in much higher priced magnetic media), was substantiated early in the proceedings when it was pointed out that ODP was guilty of 100% certification in the final packaging.

The courtroom was in a frenzy after the verdict was brought in as Darex representatives were overrun by office managers and purchasing agents eager to take advantage of the local warehousing and fast delivery from the thirty-four year old firm.

Following the trial, Judge Switzer Von Clannigan stated that: "It's a crime more business professionals don't take care of their business by using the many Darex word processing, duplicating, copying and typing products."

A spokesperson for the defense said that no appeal was planned except for the natural appeal of low prices, excellent service and product flexibility that is a standard of the Darex Company.

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Have You Called Yourself Up Lately?

by MEAD BAILEY

Attorneys may be able to avoid some potential malpractice claims if they have a good working relationship with their clients. Such favorable attorney-client relationships develop most readily in law firms where office practices are client-centered instead of attorney-centered, and thus cause the least possible aggravation to the client.

In order to alert attorneys to some common law office practices which can cause client irritation, the author here presents a fictitious letter from a longstanding client to his attorney, describing the aggravating situations the client has encountered in dealing with the law firm over the phone and in person. Although the letter is fictitious, the situations have occurred and do occur.

John Q. Client
Humptulips Mushroom Farm
Humptulips, WA 98552

September 1, 1980

Dear Counselor:

I am sorry your receptionist became so upset when I told her it was none of her business what I wanted to talk to you about. But outside of being a true statement, I didn't want anybody (or everybody) in the waiting room to hear about my problem. You, yes. The waiting room, no.

I have been a client of yours for a long time. We've grown together. Your advice, guidance and counsel have been excellent, your communications superb, and your lack of procrastination exemplary.

And so, as a long-standing client, let me share with you some thoughts on what I have observed has happened and is happening to your firm.

Theo, my friend, I don't think you know what your people in your front office are doing to you.

Your reception room has developed a coldness. Of your several receptionists, a couple are very overprotec-

tive. Instead of "welcome to our office" it is sort of "us versus them" with me being one of "them."

And, Theo, have you called yourself up lately? You should try it. Get a little old lady with a pleasant voice to do it and, of course, listen in on an extension line.

I call your office and the voice says, "Able, Baker, Charles, Dogg, Easy, Foxx, George and Henry." Now really, Theo, what a collection of names. I almost forgot whom I am calling. Maybe it is an ego trip on names, I don't know. But I observe you have left two of your partners off the singsong recital and Able has been dead for ten years.

Why don't you answer, "Able Law Firm." Or if you think this is subliminal advertising, then, "Able, Baker Law Firm." Parenthetically, the other day one of the young ladies missed a beat, so to speak, and started to giggle. But don't reduce it to, "Law Offices." Outside of being sterile, I immediately wonder: "Whose law offices?"

Anyway, after I get through your national anthem, I ask, "Is Mr. Baker in?" Then disaster starts.

The first thing I get is, "Who is calling?" Now, with great attention to cleaning up my usual profanity on subjects like this, what difference does it make who is calling as to whether or not you are in? This treatment is irritating. It is demeaning. It makes me mad. Why doesn't she tell me whether or not you are in and then we can go on from there?

The next type of disaster is when she hits the hold button without a warning — limbo. I don't even know if the phone is still working. If you like this system, why don't you get some music to come on hold? I observe it is available. And I think the young lady could very well

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first tell me that she is going to put me on hold. You know, Theo, communication is the name of the game.

And then we get the situation where she says that you are "in conference." Theo, ban that phrase from your language. Everybody is always "in conference." Why doesn't she tell me that you are with a client? Or if she doesn't fib too well, get one of those buttons on your phone you can push so as far as she is concerned you are on the telephone. But "in conference" is overworked.

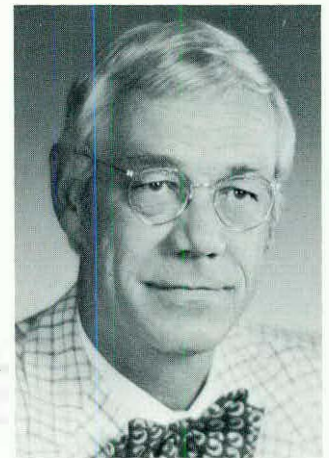
I am pretty used to the idea that your being "out of the office" on Wednesday afternoon means you are playing golf. And when you are "on the way to the courthouse" it probably means you are at the local gun shop. But when I call at 11 o'clock in the morning and she announces that you aren't in yet . . .

I got a call from the secretary of your new associate yesterday which in effect told me that eventually he was going to come on the telephone. While I waited, it reminded me of when I was in your office last week and this happened to you.

Theo, you will remember very well that your blood pressure went up. While you waited for this lawyer to come on the line you made some rather pointed comments which indicated you didn't like that kind of treatment. I didn't either. I still don't. Tell your new associate to make his own telephone calls.

In our meeting, one thing really did annoy me. I was in your office with the meter running, so to speak. I don't think you should have taken a telephone call absent a real emergency. And that voice coming out of your telephone set is a very annoying distraction — even if the call is long distance. After all, I come seventy miles to see you. I think I am entitled to your undivided attention.

And, as to the person you talked to, did he know that I heard your half of the conversation? Or would have heard all of it if you had put the call on your desk top speaker? What if it had been another client? As far as I am



Mead Bailey is professor of law at the University of South Dakota School of Law. He is also a director of the Clinical Law Program at Sioux Falls and Rapid City, S.D.

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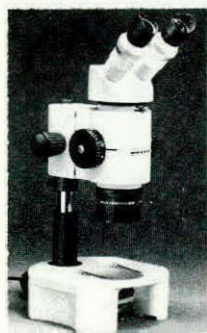
concerned, I don't want some other person in your office to know what you are talking to me about.

While I'm cranked up, Theo, I'll mention one more irritation. When I call and you punch the button to route the call through your desk top speaker, you sound like you're in a barrel when you speak. I probably do too. It is all very distracting. There surely must be equipment available on the market that eliminates this curious situation.

I think the telephone company has some very interesting training films on telephone manners. Why don't you have them over to meet with your people? It might do the new associate some good. When you do, you may want to answer the telephone out front. It could be a real eye-opener on what your staff has to put up with. It probably will take two of you. Six lines are pretty hard to juggle at times.

Anyway, Theo, so much for telling you how to run your business. We have put up with each other for a long time. But many of the clients of your firm are under real stress. And it is the little irritations like these, Theo, that can lead to a breakdown in communications, loss of a client or even be the final straw in bringing a malpractice action.

Cordially,
John Q. Client



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Attorney's Checklist Client-Centered Law Office Procedures

- To protect your clients' privacy, don't accept phone calls dealing with another case when a client is in your office and able to overhear the conversation.
- If you must take a phone call or confer with someone on another matter while you are meeting with a client, be sure to apologize to the client for the inconvenience. If the matter took more than a couple of minutes of your time, reassure the client that he or she won't be charged for that time.
- Make your own phone calls. It is irritating to receive a call and be asked to wait for the caller to come on the line.
- Identify a short name for the law firm to use when the phone is answered.
- The screening of calls often irritates the caller, and it is not recommended. However, if you must have your secretary screen calls, use the following technique:

Caller "Is Mr. Smith in?"

Secretary "He's not available at the moment. May I tell him who called?"

When the caller is someone with whom Mr. Smith wishes to speak,
add:

Secretary "Just a moment. I'll see if I can find him for you."

Above all, avoid asking "Who's calling?" before responding to the caller's query as to whether or not Mr. Smith is in.

- Secretaries should avoid asking for more detail about the reason for a call if the caller says it is to discuss a "legal matter," since the caller may want to talk about it only with the attorney.
- Be available. But when you're not, return calls promptly. Clients become irritated with what they may perceive as hide-and-seek games played by some attorneys who are consistently slow in returning calls. While some clients may seem to pester their attorneys unnecessarily, it may be that these attorneys don't keep their clients well enough informed about the progress of their cases.
- Always tell the calling party that he or she is going to be put on hold before you do so.
- Never leave callers on hold for more than a minute or so without checking to see if they wish to remain on hold or would prefer a call back later.
- Be on time for appointments, whether in your office or elsewhere. If you must keep clients waiting in the reception area, they should at least be offered a cup of coffee and an apology for the delay.
- See to it that your entire office staff observes these and other office procedures emphasizing courtesy and common sense.

You Can Control Your Telephone System Costs

by JULIAN S. CLARKE, JR.

Only a few years ago, the management of a telephone system, large or small, was rather simple. Any problem of growth, relocation, increased calling traffic or system change could be discussed with the local telephone company representative of AT&T, General Telephone or whatever local independent telephone company (Telco) served the area. Generally whatever solution that was presented was *the* solution, and was implemented.

In the late 60's, the Carterphone and MCI¹ Decisions by the Federal Communications Commission (FCC) were instrumental in opening the telecommunications industry to competition, but innovation moved slowly. In the past three years, many good systems, services and ideas have come into the marketplace, and have created opportunities for true management of systems. Decisions can now be made where none could be made before — decisions that create opportunities and cost reductions for legal management.

Some law firms are in "flat rate"² areas while others are in "message rate"³ areas. AT&T and the independent Telcos in many areas are serving notice that, as the central office facilities are upgraded to computer control, they will begin charging "multi-message units"⁴ for all local business calls. Business calls will be timed and charged accordingly. Such a move will most likely cause usage costs for local calls to be a far larger factor in monthly telephone expense than ever before.

An example of this pricing practice on the state level involved an Eastern state where officials calculated that the mandatory change from "flat rate" to "message rate" trunks meant that the state telephone system budget would automatically increase by four million dollars.

Numerous major Metropolitan areas presently are served by multi-message unit telephone company trunks — New York City and Detroit for example.

Usage sensitive pricing⁵ of local calls is one of the many reasons why law firms must begin to manage telephone system expense and continue to look for new ideas as the industry evolves.

Following are some ideas for users of both small systems ("key" systems with up to twenty-five telephones) and larger systems (PABX⁶ or Centrex Systems

of all sizes) to explore immediately and some ideas to consider for more major decisions in the future.

REGULATORY AND LEGISLATIVE ACTION

The crush of cases before the FCC continues to be complex. When combined with actions in the courts (such as the Justice Department case seeking to split Western Electric from AT&T) and the numerous tariff rate cases constantly pending before state regulatory commissions, this creates ongoing changes in the industry and opportunities for system managers, but brings generally higher costs, unless the situation is analyzed carefully. Follow these activities, especially the state utility commissions.

Another landmark decision by the FCC, occurring in mid-April, opened the telecommunications industry even further by allowing the Bell System to begin selling telephone systems in 1982.

In addition, the order allows the Bell System to enter the data processing business. Like so many issues instigated in Washington, this one could also be called the "telecommunications lawyers full employment act", as the general consensus of opinion indicates that the order will never be implemented as written and will breed intense litigation.

The New York Times referred to the decision as "perhaps the most far reaching action affecting the industry since the original Communications Act of 1934", however, the practical effort on business users in general, and law firms in particular, appears to be the potential for purchasing equipment from a Bell subsidiary at some point in the future (3-5 years), but at prices that are unknown. Do keep in mind that the Bell System must set up a completely separate, non-cross-subsidized subsidiary in order to carry out the potential in the FCC decision.

The types of systems offered by the Telcos are increasing and the pricing methods and rates have changed more

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in the last three years than during the preceding fifteen years. Also, many state public utility commissions are staffed with political appointees who may make decisions based upon a lack of knowledge or lack of awareness of the impact of their decisions on the business community.

As an example of the potential for the telephone companies to dominate the amounts of rate increases on certain products consider that some state Public Utility Commissions will allow a particular rate of return, and a dollar amount while allowing the telephone company to allocate the increases to products arbitrarily. Two state Public Utility Commissions recently made life easier for themselves by allowing yearly telephone company increases to be effective automatically, based upon a large percentage of the CPI for the previous 12 months—and, another sector of the economy becomes unnecessarily indexed.

If you have been involved in telephone costs and systems over the past nine years, and are aware of what AT&T had to offer in 1970 as compared to what AT&T has to offer customers in 1980, you can only come to the conclusion that "competition is the mother of invention." Competition is certainly the most positive thing to happen to the Bell System in fifty years, and it has not harmed AT&T's rate base or profits.

Law firms have benefited, if only indirectly, from the competitive forces in the industry and that competition will continue. There are many factors in this complex picture, and while both sides will have to adjust their positions and accept the changes mandated by Courts and Commissions, as well as marketplace decisions, it seems that in the long view a competitive industry is preferable to what has been erroneously referred to as a "natural monopoly." Voice your opinions to the state and federal officials as they truly need industry and user comments.

The competitive industry is here to stay.

IMMEDIATE STEPS FOR THE LAW OFFICE MANAGER TO TAKE

You may have excellent rapport with your telephone company representative but often you do not have all the information that can be made available to you. Ask your telephone representative to provide a detailed account of your billing, and ask for an audit of your telephone system, annually. Depending upon the size of the system, such an audit will occur infrequently on a voluntary basis, perhaps every three or four years. Even certain basic traffic studies are performed only once every twenty-four to thirty-six months.

You may double check the audit by having your own people perform an audit internally and compare it to the telephone company audit. That is also an excellent way to start becoming familiar with telephone jargon. Most

telephone companies make clerical errors and they usually are errors of duplication rather than errors of omission. Aside from having your billing corrected, you stand a fair chance of obtaining a refund.

If you have not already done so, ask your representative to familiarize you with the tariffs (equipment and pricing) and have explained the various systems and services that you might use. Let the representative know that you are serious, and that you are going to consider all other alternatives from this point forward. They will begin to pay special attention to your needs if you talk about private systems. You will begin to understand the old adage that "the wheel that squeaks the loudest, gets the most grease" — that always seems to be true when dealing with telephone companies.

Ask the representative to describe advantages of the newer processor controlled PABX systems such as Dimension,⁷ and how the various features in these systems can improve the efficiency of your organization. If you are in an area not serviced by AT&T, you may have more opportunity because the independent Telcos often are more flexible. Some independent telephone companies will consider purchasing a system especially for your needs, provided, of course, that they can rent the system to you for an extended period of time.

You have undoubtedly been approached by an inde-

pendent telephone system distributor, a representative of the "Interconnect"⁸ industry, who wants you to lease his system, or to buy it outright and "interconnect" it to the local telephone utility's lines. Some progressive interconnect companies will also provide peripheral devices that could be helpful to you. Talk with your suppliers or potential suppliers about all possibilities, while keeping an objective eye on your requirements.

BASIC STEPS TO CONTROL YOUR PHONE SYSTEM

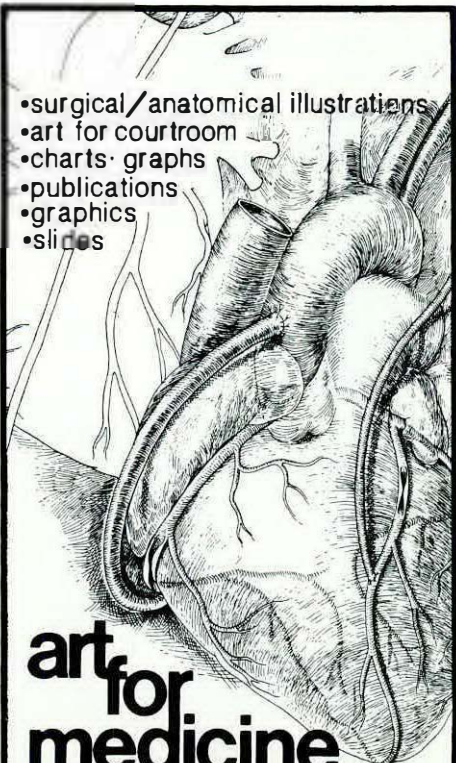
1. Ask your telephone company representative for a detailed account of your equipment billing.
2. Ask your representative for an audit of your system annually.
3. Perform your own audit and compare it with the telephone company's audit.
4. Familiarize yourself with equipment, pricing and services available from the utility company.
5. Ask your telephone representative to describe advantages of newer systems and how various features can improve the efficiency of your firm.
6. Consult with private telephone system distributors, often more flexible than telephone company representatives, and compare the options available on a lease or purchase basis to those offered by the telephone utility.

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SYSTEMS IN THE MARKETPLACE

Key Systems. Prior to making any system decisions you must carefully consider what you need and why you need it. You must analyze firm growth and determine, for example, the potential need for growing beyond the "standard" key system size of between fifteen and twenty-five telephones, to a larger, forty-phone system, or a small PABX that can be expanded.

Until recently, what was available was generally the traditional domestic key systems of 6, 10, 12 or 18 button "call directors," "call commanders" or similar equipment, manufactured by Western Electric, Stromberg, ITT, General Telephone and others. These were priced generally on an item-by-item basis in the telephone company's tariff. The options were basic and involved the arrangement of lines, numbers of spaces and paths on the intercom, rotary or touchtone equipment.

AT&T now offers the Comkey Series of #4/16 (four lines and sixteen intercom stations), #7/18 and #14/34, all of which are "square systems." That is, each telephone set must hold exactly the same lines as the others in the system.

In answer to its competition, the Comkey series may include a DSS (direct station selection), for the answering operator, button restoral, privacy, voice paging, and other features. The largest of these, the Comkey #21/52 is now available and offers more flexibility in the arrangement of lines on each phone—it will not be a "square" system and may make the #14/34 obsolete.

The more prominent suppliers of domestic key systems for purchase have been Stromberg, ITT and GTE with the standard domestic multi-button sets, and such firms as TIE, IWATSUI, TOSHIBA, NEC and others with systems sold through local distributors. Many of these offer more "exotic" features that have encouraged the development of the AT&T Comkey Series. The more expensive units have "hands free" answer back and speakerphone capability on outside lines as well as on intercom calls.



Julian S. Clarke, Jr. is a telecommunications consultant with the management consulting firm of Altman & Weil, Inc., Ardmore, PA.

The three or four path intercom (with operator "Direct Station Selection" units), and forty or fifty intercom code capability on the newer large key systems have allowed greater system flexibility in the 25-40 phone environment and consequently have been well received in the marketplace.

The most recent additions to the small system market are really hybrids—"Semi-PABX," fully electronic solid state key systems that range from maximum station size of 30 to 80. The Bell System refers to its system as Horizon. This system is similar in function to those available from other sources on a purchase basis. The features are more flexible than earlier key systems and have the best features of both PABX and key systems. The net effect is a blurring of the differences between the two and the need for a thorough analysis, if you are presently using 25 or more telephones and are considering a change.

The newer electronic technology has brought other features into the key system (25-80 phone) environment—advantages such as:

1. Touchtone calling—regardless of exchange.
2. Individual class of service (restriction) for each telephone.
3. Non-blocking internal traffic handling capacity.
4. Direct-inward dialing (a Centrex feature bypassing the operator).
5. Call forwarding (to another phone, if the called phone is busy or unanswered).
6. Call camp-on (a 2nd incoming call "camps on" for ring through later).
7. Call pick up (a dialed code will pick up a call from another telephone).
8. Station message detail accounting (outgoing call data such as time of call, duration and number called are captured on a paper tape).
9. Different ringing tones for internal and external calls.
10. On-hook dialing.
11. Two-way "hands free" full-duplex voice intercom.
12. Last number re-dialed.
13. Message waiting lamps.

In addition to the Bell System Horizon, similar systems are available from Intertel (Phoenix, Arizona), TIE (Stamford, Connecticut) and Iwatsu/Omega III (Moonachie, New Jersey).

LARGE SYSTEMS (PABX AND CENTREX)

The same methods of pricing, lump sum payment, two-tier payment and standard monthly payment exist with the PABX's as exist with the key systems and the same type of comparisons must be made. However, those comparisons are more involved.

Some users tend to over-buy; that is they want to obtain

a processor controlled PABX with all features, such as exist on the Dimension #400 (AT&T), but the question really is, will the features be used? Perhaps a simpler "electromechanical crossbar"⁹ or "electronic" system¹⁰ will be just as effective.

A law firm must be realistic about actual feature needs, growth projects and costs for telephone hardware and software, and, in fact, may have a greater need for operator "usage controlling"¹¹ procedures or equipment than for a new system. Before proceeding further, consider the types of PABX systems being used today:

Step-by-Step Equipment. The oldest type of PABX system still in use is the "step-by-step" system that is easily recognized by the large racks and frames containing the many switching system component "cans" which take a considerable amount of space in the phone equipment room. They are no longer being made available for new installations.

Electronic Crossbar Systems. Following the "step-by-step" systems came the development of the "crossbar" systems which are housed in much smaller cabinets requiring perhaps twenty square feet of cabinetry to serve a 50-120 line system configuration.¹² These systems are used in many law firms today and provide a few basic features that most systems users have found to be very beneficial. These features are:

1. Individual Call Transfer—Any station user can transfer a call to another station without going through the operator.
2. Consultation hold—An incoming call can be held while the person called dials another number to secure information from the third party.
3. Call conferencing—A third person may be dialed into the conversation for a three-way hook-up and, as with consultation hold, the feature can be used without benefit of a multi-button telephone with a "hold" button.
4. Camp-on—Incoming calls may be attached to the line already in use, and the person receiving the call is made aware of the camped-on call by a beep tone. Upon hanging up, the incoming call rings through for completion.
5. Night answer from any telephone also called "universal night answering"—This allows the telephone user to dial a special code and pick up an incoming telephone call after hours.

Electronic Processor Controlled Systems. In the past 24 months, we have observed the installation of many electronic processor controlled systems. Many of the features are "programmable" in these systems, and can be activated without rewiring or traditional hardware changes. The station user features may be activated by

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dialing special codes indicated on the face plate on the telephone, or the features may be activated through the use of specially designed "electronic custom" telephone sets (now available from Northern Telecom, ROLM and AT&T), where a feature is activated by pushing one particular button, related to that feature. Such custom telephone sets are expensive, but they make the use of the various features practical to a greater degree than they would be through dialing a set of prearranged codes on standard telephone sets.

An evaluation of a PABX system, especially a processor controlled system with many special features, involves many considerations, including the need for specific internal operating procedures and ongoing training for employees.

The Bell System began installing the processor controlled Dimension 400 system in 1976. The system comes with various optional packages. A popular feature with this system is direct-inward-dialing, the Centrex-like features which allows incoming calls to bypass the operator's console and go directly to the station being called. The Bell System ultimately will have twelve feature packages, some of which are being tailored to certain industries, such as the hotel/motel and hospital industries. It is felt that the availability of all the features' programming will take another two years to develop

fully. For most law firms, these special packages are not of tremendous consequence because the current features' packages 1-4 will solve most users' problems. Some features of particular interest to law firms are:

1. Station hunting—telephone calls hunt in numerical sequence, from one telephone to another, in the event that a line being called is busy.
2. Call pickup—instead of having all lines appear on all telephones, any telephone call can be picked up by any other plain telephone by dialing a code.
3. Call forwarding—a pre-determined code instructs the system to forward an incoming call to another line, if the telephone is busy, or if there is no answer.
4. Distinctive ringing—different ringing tones indicate whether the incoming call is from the inside or outside the system.
5. Speed dialing—frequently called numbers can be stored in the system and can be dialed by pressing a special code or special digits.
6. Station number changes—relocation of telephone numbers, or activation of new lines can be completed by accessing the memory of the telephone system through the use of a teletypewriter associated with it, without rewiring the system.
7. Class of service—each telephone can be arranged to restrict calls to internal dialing, local calling, long

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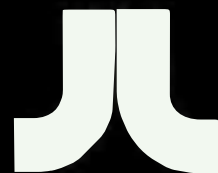
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distance calling to certain cities, or certain area codes, as well as being restricted from using certain special long distance circuits such as WATS lines, FX lines, etc. This provides good flexibility in controlling costs.

8. AIOD (Automatic Identification for Outward Dialed Calls)—The term AIOD is becoming the industry buzzword for call data being captured on paper tape, cassette or magnetic tape. This information indicates the origin of every outgoing local or long distance call, the circuit used, the time the call was placed, the call's duration, the number of calls, etc. This is going to be one of the most dramatic and useful features in the new generation of telephone systems.
9. Automatic Route Selection, or "least cost routing"—as an example, in a system which included a foreign exchange line and three or four WATS lines, an outgoing long distance call would be seized by the system which would then determine the least expensive way for that call to be completed. All of this is done instantly, of course.

Centrex. Direct in-dialing Centrex systems have been available for twenty years, and are usually installed for firms using 150 or more lines. Recent tariff revisions by many companies have made Centrex 50 available for systems of between fifty and 100 lines. Another recent addition is ESSX (central office computer controlled Dimension-like service) which provides many of the same processor controlled features as have been mentioned in connection with the AT&T Dimension PABX.

A key feature in processor controlled PABX systems is that those systems may be set up on a "partial Centrex" basis. For example, a large department in the Dimension-served-organization, perhaps the department with the most telephone activity, can be provided with direct-inward dialing, where a call reverts to the main operator's console only if it goes unanswered for an extended period of time.

COMMENTS ON PROCESSOR CONTROLLED FEATURES

Quality of Equipment. The Dimension PABX has numerous counterparts in the private sector. Some of the most prominent companies in private industry at this time include Northern Telecom, OKI, NEC, ITT, Ericsson, TeleResources, American Telecom, General Telephone, General Dynamics and ROLM. Many of the systems manufactured by these companies have been sold to independent telephone companies and a few have been sold directly to the Bell System for rental to Bell customers. You can assume, therefore, that the technology and quality in many of these systems is equal to that of Bell System equipment, and in some cases, is superior to Bell.

Cost Controlling Features. Some processor controlled

systems are being "sold" as tools for control of "usage," that is, local and long distance calls. These systems have the capability, or, in some instances, the add-on capability, for AIOD (automatic identification of outward direct calls) and least-cost routing. There are numerous such installations working effectively in the country today—perhaps 500 or so, and the results of this cost control ability have been effective.

There are approximately 20 basic sources for peripheral AIOD systems today. The simplest system costs in the \$5,000 range, while a more sophisticated 200 line cassette or magnetic type system will cost in the \$15,000-\$25,000 range. Report processing can be performed outside or it can be done "in-house" if a firm buys the software necessary for perhaps \$7,000. The entire subject of AIOD and least cost routing systems is too involved to pursue in this article, but numerous law firms are now using systems with these capabilities.

The Bell System and the independent telephone companies such as United, Continental, General Tel, etc. have been slow to place call accounting equipment in the tariffs, and where the peripheral systems have been made available for the business user, they have been very costly, both for monthly rates and installation.

Recently some Bell operating companies have placed in the tariff a new non-Western Electric product the Comm Stor II. Options are increasing.

Special Long Distance Services. Many alternatives in long distance calling are now available and many law firms have taken advantage of these excellent services. In addition to traditional WATS, tie line, or foreign exchange lines supplied by the local telephone company, independent services covering up to 60 major cities are now available through the microwave facilities of ITT (USTS), MCI, Southern Pacific (SPCC), and others.

The services in long distance are now so diverse that law firm management must now consider using telecommunications vendors other than, or, in addition to the traditional telephone utility. □

1. Microwave Communications Inc. (Microwave long distance service competing with AT&T long distance routes).
2. Expensive telephone company trunk with no per call charge.
3. Inexpensive telephone company trunk with an additional per call charge.
4. Message rate trunk with a per minute charge for local business calls.
5. An industry term for describing a method for obtaining additional revenues on local calls, i.e. multiple-message units.
6. Private automatic branch exchange (Central operator/console operation).
7. Trademark for AT&T (Processor controlled PABX).
8. Executone, ITT, General Dynamics and GTE.
9. Fully electronic state of the art immediately preceding processor controlled or computer based systems wherein extensive physical contact is made between various metallic contact points when a call is being processed.
10. Later state of the art refinement of electronic mechanical crossbar design wherein extensive use has been made of printed circuit boards.
11. Additional peripheral equipment for controlling long distance costs or perhaps operator control of certain long distance procedures or circuits.
12. System hardware components and/or software programs providing system and user features.



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The Role of a Paralegal in a Law Firm

by PAUL N. LUVERA

What Is a Paralegal?

"Any simple idea will be worded in the most complicated way."

A considerable amount of controversy has developed, and time devoted, to the simple task of defining a "paralegal". In fact, there is no universal agreement as to the proper title of such a person. Some refer to people in this role as "legal assistants". Other titles have been employed as well.

A further controversy exists over the question of who, in fact, can be called a paralegal. Is a paralegal only one who has fulfilled certain qualifications and has been certified by some recognized body as being an authentic paralegal? Or may a person who has demonstrated, through experience, paralegal ability have the right to be recognized as a paralegal? There is a definite need to reach agreement in this regard.

The problem is complicated because the entire issue of identification or certification of paralegal personnel involves emotional reaction. A paralegal wants to be recognized for this unique talent, and have a somewhat exclusive right to be known by that name in order to set them apart from others who do not so qualify. On the other hand, a lawyer may fear the certification of paralegals because of the concern that such certification

would lead to higher salaries, unions, or even further encroachment into the law practice by the creation of a new professional field.

These concerns are often exaggerated and not based upon reality. A significant percentage of tasks that lawyers have traditionally performed do not have to be done by lawyers.

In addition, the public is demanding simplification of laws and, in the process, are eliminating fields of practice that traditionally have been the mainstay of many lawyers. All of this requires a new look at the role of paralegals as a means of the lawyer surviving the crisis of today, while still furnishing a needed and high quality service to the public.

From an economic standpoint, statistical studies have demonstrated that there is a substantial advantage to a lawyer employing paralegals. For example, a 1974 State of Washington survey showed that lawyers using one legal assistant averaged \$43,550.00 per year whereas lawyers using two or more legal assistants averaged \$50,000.00 per year.

There is a difference in the way in which lawyers see the role of a paralegal. This further confuses the paralegal position within the law field. Some firms view the paralegal as a part of a vast assembly line which

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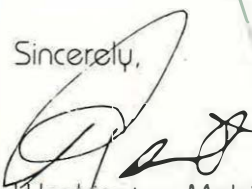
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will produce a bigger profit for the law firm. There the individual performs tasks under close supervision in a well-defined manner with little exercise of initiative and creative effort. Other firms view the paralegal as a "semi-lawyer" and expect the paralegal to perform without any real supervision or guidance. Certainly something in between these extremes would be more reasonable.

A clear understanding in this regard is essential for a cooperative team effort between lawyers and paralegals in a law office. This must be coupled with written job descriptions and written procedure for performing these job functions in the law office. The first step in the efficient and proper utilization of paralegals in a law office is to reach an understanding as to exactly what the role is.

Ethical Considerations Regarding the Paralegal

"When somebody you greatly admire and respect appears to be thinking deep thoughts, they are probably thinking about lunch."

Concern is often expressed about the ethical problems involved in the use of a paralegal. Ethical considerations under the Code of Professional Responsibility E.C. 3-6 provide:

"A lawyer often delegates tasks to clerks, secretaries and other lay persons. Such delegation is proper if the lawyer maintains a direct relationship with his client, supervises the delegated work, and has complete professional responsibility for the work product. This delegation enables a lawyer to render legal service more economically and efficiently."

There is also an obligation to see that the confidences of clients are kept by the firm's employees including paralegals. See D.R. 4-101(D). In actual practice, there appears to be more argument and discussion relating to this subject than is, in fact, merited by the problem itself.

Client Reaction to Paralegals

"Everybody should believe in something - I believe I'll have another drink!"

Many lawyers believe that the client will be offended when a paralegal accomplishes a task for the client. They believe that clients expect and want the lawyer personally to do the work for them. In fact, this belief is ill-founded in most instances involving work on behalf of a client.

What clients really want is to have someone give interested concern and attention to their problem, as well as promptly and competently accomplishing what the client would like done. Lawyers tend to place more importance upon their role than, in fact, surveys indicate is warranted.

Doctors have learned that the average patient does not feel he is mishandled simply because nurses and other staff at the hospital or clinic perform services, so long as they feel the ultimate supervision is left with the physician.

In Great Britain, English law clerks have existed for many years. These clerks perform services for clients as well as for their employers. This is an accepted practice which clients accept as part of the legal process.

The universal experience of lawyers in large or small law firms is that their clients easily accept and relate very well to lay people who are working under the supervision of the lawyer performing the work on their behalf. Client reaction to a properly managed paralegal system has been consistently favorable.

Introducing and Using the Paralegal System in a Law Office

"Nothing is impossible for the man who doesn't have to do it himself."

The introduction of a paralegal procedure in a law office is often met with resistance from a number of sources. The attorney employer is reluctant to consider the introduction of the system into the office either because of the fear of cost or because of the reluctance to change the way in which the office has traditionally been run. Younger law partners or associates are sometimes reluctant to accept a paralegal system because they, themselves, are striving for identity, prestige and standing within the law firm. Non-paralegal secretarial staff are, in some cases, reluctant to permit the introduction of a paralegal role in the office because they are resentful of the prestige and role of the paralegal compared with their own. Law firms dealing with the firm using paralegals are reluctant to deal with paralegals in many cases. All of these factors, and many more, represent forces that inhibit the proper role of the paralegal in a law firm.

The acceptance of a paralegal system in a law office



Paul N. Luvera is a solo practitioner in Mount Vernon. He has eight paralegals on staff.

requires that a basic understanding be arrived at by all parties involved as to what is going to take place. This requires analyzing and reducing to writing the exact role of the paralegal in the law firm, as well as all procedures to be followed in connection with those job duties. Written manuals and written instructions used in connection with forms to be used in carrying out the job duties are necessary.

Some preliminary decisions must be made as to the type of system a lawyer intends to establish. A structured system is one in which very specific procedures are provided to a paralegal who follows those procedures using little, if any, discretion. Another system is based on the fundamental idea that the paralegal will be trained to such an extent that great discretion can be used in carrying out broadly defined functions and procedures. This type of paralegal will frequently dictate to non-paralegals, and generally be permitted to operate more authoritatively with close supervision. In some firms, the job duties are not only highly structured, but are broken into specific specialties for the paralegal. This "assembly line" type system is generally looked upon with disfavor by the paralegals involved who prefer a great variety and freer role in carrying out their job.

Once a determination has been made as to the type of system to be employed, the job duties, instructions and procedures, together with necessary forms, should be reduced to writing and organized properly.

The impetus for developing procedures in writing probably will have to come from the paralegal; the lawyer will usually not have or take the full time required. It is unreasonable, however, for the lawyer to expect the paralegal to develop such writings without close supervision and assistance.

In addition to the lawyer having the knowledge that forms the basis for such procedures, his or her input is required because the resulting guidelines are for the lawyer's direct benefit. If the guidelines are the result of someone else's ideas with which the lawyer has no identity, the project is destined for failure.

Developing the Written Procedures

"When all else fails, read the instructions."

Written systems and procedures are available in completed form ready for adoption in law offices from various commercial sources. One of the more well known sources from which such written systems can be obtained is:

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A great deal of helpful information, including a publication on how to create written systems in the law office, is available from the American Bar Association as follows:

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To create the written procedures or systems, one must generally complete certain basic steps. The first step is to choose the areas which the system is intended to cover. This might involve a limited subject such as processing the mail, or it may cover a broad subject such as processing a probate. One must analyze the various steps followed in accomplishing the project area selected.

The next step would be to prepare a written outline or procedure for accomplishing the goal or project selected. This could be in the form of a step-by-step checklist, or a narrative description. It must be written in terms which will avoid misunderstanding, and which can be easily referred to and understood by the paralegal involved in accomplishing the project. This also requires an analysis of what work should be done by the lawyer and what work should be done by the paralegal.

If the area selected requires the use of documents such as pleadings or legal papers, or even letters, these should be included in the manual or system. They are obtained by reviewing past work product. Previously drafted documents, including well written letters, should be copied and included in the system. This permits the paralegal to see what is involved and, wherever possible, permits uniform handling of the same matter each time.

The next step is to put the system in operation and see how it works. This will immediately reveal weaknesses in the system, as well as the need for changes. All changes should be made in writing and added to the system, itself.

The Need for Communication

"The inevitable result of improved communication between employer and employee is a vastly increased area of misunderstanding."

Frequent and full communication is essential in a law office. Regular meetings between staff are important, but regular meetings between staff and employer are essential. Those meetings should consist of not only formal inter-office training, but also informal communication about office operations in general.

This involves the exchanging of ideas, views, criticisms and thoughts. In the absence of such communication, the office paralegal system will soon deteriorate and cease to function in the way in which it should.

Teaching the Paralegal

"Those who can – do. Those who cannot – teach."

It is not essential for a paralegal to have a legal education. What is important is that a paralegal have a basic understanding of the concept and procedures involved in the work being done. A paralegal working in the personal injury field should know why the work being done is necessary.

It is recommended that the paralegal, where appropriate, sit in on client interviews, attend court procedures where divorces are obtained, probates started and, as well, attend trials, depositions or other similar legal activities. Attendance at seminars is also very important in the teaching process. The more practical, well-rounded information the paralegal has about the general subject of the work involved, the more competent the job done.

Economic and Other Benefits of Delegation

"In America, it's not how much an item costs, it's how much you save."

While the initial cost of implementing a paralegal system in a law office may involve an increase in overhead, the economic benefits outweigh that expenditure. Lawyers sometimes overlook the value of time in the operation of their law offices. For a lawyer working a five day week, eight hour day and billing at the rate of \$35.00 per hour, a savings of one hour per day over a period of ten years would amount to \$84,000.00.

In addition to saving time through the use of delegation, it is also possible to benefit financially from billing the client for a reasonable profit over and above the amount paid the paralegal to accomplish the delegated work. The more work which can be delegated, the more time the lawyer has to perform legal work at a billable rate. The more work delegated at a cost which is less than that billed, the greater the income.

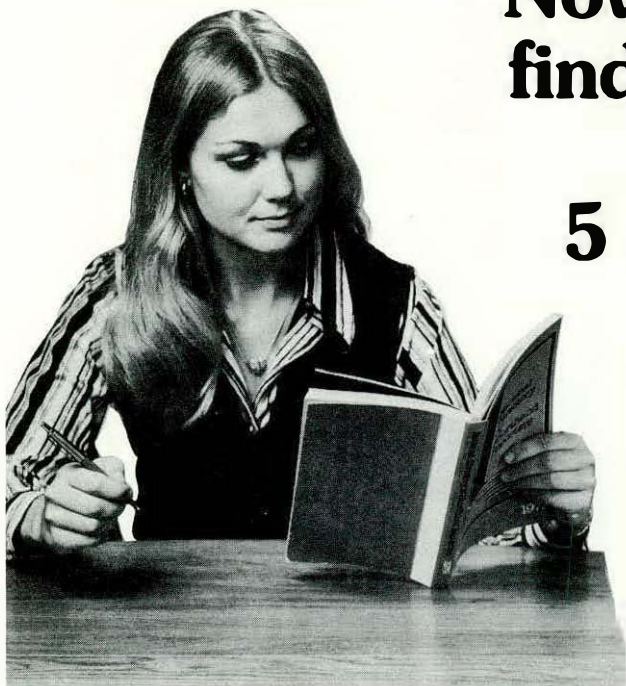
In addition to obvious economic benefits, delegation permits the delivery of legal services to clients for less cost and at a fee that clients can afford.

Great efficiency results in better service to the clients. Happy clients mean more work for the lawyer.

The experience of lawyers using paralegals has been that the client's legal matter receives more attention on a consistent basis with fewer mistakes. Clients welcome the attention being paid to their file and the promptness with which the work is being accomplished. Clients appreciate the fact that even if the lawyer is not available, a knowledgeable paralegal can assist them in connection with their legal matter. Someone, whether or not he or she is a lawyer, is always available to assist.

People working in the law firm respond well to delegated authority, and the opportunity to show their skills and ability. The law office becomes a more pleasant and happy place to work. Higher motivation on the part of employees means better legal services for clients.

The benefits of delegation, economic needs, and the demands of the public using lawyers require that thoughtful consideration be given to the use of paralegals in law offices. □



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4. How to file depositions (State)
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6. Judicial Districts (State)
7. Districts for Federal Courts
8. County and County Seats
Clerks', sheriffs' and district attorneys' addresses and telephone numbers
9. Addresses of State Vital Statistics Departments
10. Additional court reporter facilities
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2128 Vista Ave., Boise, Idaho 83705
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Where to Go for Help on Law Office Management

by ROBERT P. BIGELOW

Recent history has seen a dramatic upsurge in detailed information available on law office management. It has been due in part, perhaps, to the continuing development of the technology that has become so vital in efficient office management. It is undoubtedly due to the growing realization that good management procedures are an indispensable part of an effective law practice. Whatever the reasons, we have become the beneficiaries of a multitude of information resources on many law office management topics.

There are three basic sources; the written word, the visual word and the spoken word. The first comes from

books and periodicals, the second from films, video tapes, film strips and pictures; the last from conferences, consultants and cassette recordings.

The following material was first presented for the A.B.A.'s 1974 Sixth National Conference on Law Office Economics and Management and has been updated periodically. While this guide covers many areas of office management, it does not cover ethics, advertising or specialization, and contains only a few items on prepaid plans.

This guide is divided into the following categories:

I. Texts

- A. Bar Association Sponsored**
- B. Commercial General Law Office Texts**
- C. Specialized Texts Dealing with Law Office Management**
- D. The Legal Secretary**
- E. Law School Texts**
- F. Semilegal Books**
- G. Commercial General Office Texts**
- H. Commercial Specialized Texts (except Computers)**
 - 1. Personnel**
 - 2. Communications, Mail and Telephone**
 - 3. Word Processing**
 - 4. Records Filing and Micrographics**
 - 5. Secretarial**
 - 6. Financial**

7. Layout and Space

- 8. Library**
- 9. Other**

I. Computerization

II. Periodicals

- A. Bar Association Sponsored**
- B. Commercial, Law-Oriented Periodicals**
- C. Commercial, Office-Oriented, General**
- D. Commercial, Office-Oriented, Specialized**

III. Films and Cassettes

IV. Consultants and Recruiters

V. Bibliographies

VI. Addresses of Publishers and Organizations

■ Texts

A. Bar Association Sponsored

1. A.B.A. Section of Economics of Law Practice Books, Pamphlets and Articles

- (a) *Administrative and Financial Management in a Law Firm*, #511-0006, \$1.
- (b) *Articles of Partnership for Law Firms*, #511-0005, \$1.
- (c) *A Blueprint for Preparing Your Own Office Staff Manual*, 1975, #511-0022, \$1.
- (d) *Computers — A Boon to Legal Research*, 1976, #511-0024, \$1.
- (e) *Economic Facts About Law Practice*, #511-0010, no charge.
- (f) *Effective Use of Non-legal Personnel Revisited*, 1970, #511-0026, \$1.
- (g) *How to Create-A-System for the Law Office* (book and 2 packets), #511-0027, \$14.95.
- (h) *How to Create-A-System for the Law Office* (book, 2 packets and cassette), #511-0028, \$19.95.
- (i) *How to Create-A-System* (mini-packet only), #511-0030, \$1.50.
- (j) *How to Create-A-System* (maxi-packet only), #511-0029, \$3.
- (k) *How to Start and Build a Law Practice*, Jay G. Foonberg, #527-0006, \$10 paperbound; \$5 students and Section of Economics of Law Practice members).



Robert P. Bigelow is with Bigelow and Saltzberg, a firm with two lawyers and four nonlawyers in Woburn, Massachusetts. He was editor of *Law Office Economics and Management* from 1969 to 1978.

- (l) *Law Office Efficiency*, #511-0014, \$10.
- (m) *Law Office Layout and Design*, #511-0007, no charge.
- (n) *Model Accounting System for Individual Practitioners and Small, Medium and Large Law Firms*, 1977, #511-0039, \$4.
- (o) *New Options in Telephone Ownership*, 1976, #511-0023, \$1.
- (p) *Partnership Problems and New Developments in Law Office Equipment*, #511-0003, \$3.
- (q) *Proceedings of the First National Conference on Law Office Economics and Management*, #511-0004.
- (r) *Proceedings of the Third National Conference on Law Office Economics and Management*, #511-0002.
- (s) *Romancing Fees into the 20th Century*, 1970, #511-0017, \$7.50.
- (t) *Seventh National Conference on Law Office Economics and Management — Proceedings*, #511-0035, \$65.
- (u) *Seventh National Conference on Law Office Economics and Management* (registration kit and cassettes), #511-0037, \$75.
- (v) *Seventh National Conference on Law Office Economics and Management* (cassettes only), #511-0036, \$50.
- (w) *The Thrifty Fifty*, 1977, #511-0040, \$1.
- (x) *Using the Telephone Effectively*, #511-0020, \$7.50.
- (y) *The Lawyer's Handbook*, rev. ed., \$15 (\$10 to Section members), ICLE, Hutchins Hall, Ann Arbor, Mich.

2. A.B.A. Science and Technology Section

- (a) *Automated Law Research*, 1973, #545-0001, \$10.
- (b) *Sense and Systems in Automated Law Research*, 1975 #545-0003, \$12.
- (c) *The Use of Computers in Litigation*, John Hardin Young, Michael E. Kris, Helen C. Trainor, editors. Science and Technology Section with The Young Lawyers Division of the A.B.A., 1979.

3. Other A.B.A. Publications

- (a) *Business Aspects of the Legal Profession*, #527-0001, \$25.
- (b) *Certification of Legal Assistants*, #423-0015, \$2.
- (c) *Computers and the Law*, 2d ed., 1969, #545-0005, \$5.
- (d) *Computers and the Legal Profession*, #171-0002, no charge.
- (e) *Coping with Stress*, A.B.A. Press, General Practice Section, 1977.
- (f) *Five Plans of Prepaid Legal Services with Free Choice of Lawyer*, #716-0004, no charge.
- (g) *Legal Assistant Education*, #423-0009, \$2.
- (h) *Legal Specialization*, #481-0001, no charge.
- (i) *Prepaid Legal Services #1 (Bar Services)*, #171-0001, no charge.
- (j) *Recommended Law Books*, 1969 ed., #507-0011, \$5.
- (k) *Revised Handbook on Prepaid Legal Services*, 2d ed., #716-0011, \$5.

4. Canadian Bar Association

- (a) *Building on Basics . . . Preparing for the 80's*, International Conference on Law Office Management Proceedings, 1979, Canadian Bar Association.
- (b) Check List for Commencing a Law Practice, 1977, free to members (\$5 to nonmembers).
- (c) *Management Services Company*, 1978, free to members (\$5 nonmembers).
- (d) *Model Partnership Agreement*, revised 1979, \$10 to members (\$12 nonmembers).
- (e) *Law Firm Management and Administrative Self-Assessment Check Plan*, free to members (\$5 nonmembers).

5. Continuing Legal Education Texts

- (a) American Law Institute — American Bar Association Committee on Continuing Professional Education
 - (1) Barton E. Ferst, *Basic Ac-*

counting for Lawyers, 3d ed., 1976, \$9.

- (2) Bernard Sternin with Louis C. Allen, *The Practical Lawyer's Manual for Automatic Law Office Typing*, 1971, \$4.
- (3) F. Trowbridge von Baur, *The Practical Lawyer's Manual on Memoranda of Law*, 2d ed., 1973, \$3.
- (4) Kline D. Strong and K.J. Holdsworth, *Professional Corporations*, 1971, \$7.
- (5) Theodore Voorhees, *Manual of Law Office Training for Associates*, 1969, \$4.
- (6) *The Practical Lawyer's Law Office Manual*, 1956, \$6 hard bound; \$4 paperback.
- (7) *The Practical Lawyer's Law Office Manual*, No. 2, 1959, \$6 hard bound; \$4 paperback.
- (8) *The Practical Lawyer's Law Office Manual*, No. 3, 1972, \$4.
- (9) *The Practical Lawyer's Law Office Manual*, No. 4, 1974, \$5.
- (10) *The Practical Lawyer's Insurance Manual*, 1975, \$5.
- (11) *The Practical Lawyer's Manual of Modern Real Estate Practices*, 1969, \$4.
- (12) *The Practical Lawyer's Negligence Law Manual*, No. 1, 1964, \$4.
- (13) *The Practical Lawyer's Negligence Law Manual*, No. 2, 1973, \$5.

(b) Practising Law Institute

- (1) *Computer Abuse*, H4-3823, 1975.
- (2) *The Computer Framework for Complex Litigation*, Course Handbook, HA-3828, 1976, \$20.
- (3) *Fiduciary Responsibility and Prohibited Transactions under the Employee Retirement Income Security Act*, Course Handbook, J4-3412, 1975, \$20.

- (4) *Law Office Economics and Management*, A4-2083, 1977, \$20.
 - (5) *Law Office Management 1978*, \$20.
 - (6) *Lawyer's Assistant: Administrator*, 1978, \$20.
 - (7) *Lawyer's Assistant: Paraprofessional and Secretary 1978*, Course Handbook, 3 vols., paperback, \$20.
 - (8) *The Lawyer's Secretary*, 4th ed., A4-1080, 1972.
 - (9) *Legal Delivery Systems: Available Alternatives*, F4-2791, 1977, \$20.
 - (10) *Managing the Modern Law Office*, Course Handbook, A4-2010, 1974, \$20.
 - (11) *Managing the Small or Medium Law Office*, Course Handbook, A4-2058, \$20.
 - (12) *Pension Plans and Executive Compensation*, Steven Goldberg, J1-0494, 1974, \$20.
 - (13) *Practical Economics of Profitable Personal Injury Practice*, Course Handbook, H4-2866, 1971, \$20.
 - (14) *Professional Corporations*, J4-3424, 1976, \$20.
 - (15) *Profitable Management of Small and Medium Law Offices*, Course Handbook, A4-2039, 1975, \$20.
 - (16) *Trade and Professional Associations*, A4-2084, 1977, \$20.
- (c) State CLE Organizations. These may be run by the bar association or by an independent entity. Occasionally, they have programs on economics and produce helpful material.

6. American Bar Foundation

- (a) Devra L. Altman, *A Manual for Small and Medium-Sized Law Libraries*, 1976, \$3.50.
- (b) Samuel J. Brakel, *Judicare: Public Funds, Private Lawyers, and Poor People*, 1974, \$10 hardcover; \$5 paperback.

- (c) Barbara Curran, *The Legal Needs of the Public: The Final Report of a National Survey*, 1977, \$25.
- (d) David M. Engel, *The Standardization of Lawyer's Services*, 1977, \$2.
- (e) F.R. Marks, et. al., *The Lawyer, The Public and Professional Responsibility*, 1972, \$7.
- (f) Olavi Maru, *Digest of Bar Association Ethics Opinions*, 1970, \$20; 1970 Supplement, \$25; 1975 Supplement, \$20.
- (g) Olavi Maru, *Measuring the Impact of Legal Periodicals*, 1976, \$2.
- (h) *Opinions of the Committee on Professional Ethics with the Canons of Professional Ethics Annotated and Canons of Judicial Ethics Annotated*. 1967 ed. with current supplements, \$15. (Order directly from A.B.A. Circulation Department.)
- (i) Werner Pfennigstorf, *Legal Expense Insurance: The European Experience in Financing Legal Services*, 1975, \$5.
- (j) Werner Pfennigstorf and Spencer Kimball, *Legal Service Plans: Approaches to Regulation*, 1977, \$16.
- (k) James A. Sprowl, *Manual for Computer-Assisted Legal Research*, 1976, \$5.

B. Commercial General Law Office Texts

- 1. Mary Ann Altman and Robert I. Weil, *How to Manage Your Law Office*, one vol., 1973, supplemented annually, Matthew Bender, \$55.
- 2. Harold W. Grossman, editor, *Manual for Managing the Law Office*, one vol., 1971, with monthly supplements, Prentice-Hall, \$147/year.
- 3. Paul Hoffman, editor, *Law Office Economics and Management Manual*, two vols., with quarterly journals, Callaghan & Company, \$110/year.
- 4. Joseph T. Karcher, *How to Build a \$100,000 Law Practice*, Institute for Business Planning, 1976, \$25.
- 5. *The Pocket Dictionary of Legal Words*, (Dolphin), Doubleday & Company, Inc., 1979, \$2.95.

6. Bertram S. Silver, *How to Make a Better Profit in the Law Office — Year After Year*. Three L Press, 1978, \$15.
7. Noel C. Stevenson, *How to Build a More Lucrative Law Practice*, Prentice-Hall, 1978, \$49.50.
8. Kline D. Strong and Arben O. Clark, *Law Office Management*, West Publishing Company, 1974, \$16.95.
9. Kline D. Strong, *Practicing Law Profitably*, American Press, 1979, rev. ed., \$7.50.

C. Specialized Texts Dealing With Law Office Management

1. William J. Burke, *Accounting Systems for Law Offices*, Matthew Bender, 1978, \$50.
2. Theodore Caplow, *How to Run Any Organization*, Holt, Rinehart & Winston, 1977, \$7.95.
3. *Coordinated Law Research*. Law Journal-Seminars Press, 1977, \$20.
4. Berrien C. Eaton, Jr., *Professional Corporations and Associations*. 6 vols. with annual supplements, Matthew Bender, 1970, \$250.
5. Bradford Hildebrandt, *Financial Management for Law Firms*, Law Journal-Seminars Press, 1975, \$32.
6. *Law Firm Administrative and Accounting Manual*, Safeguard Business Systems, 1972, rev. 1975, \$1.50.
7. *Law Office Staff Manual*, Law Research Institute, \$34.50.
8. Robert P. Levoy, *The Successful Professional Practice*, Prentice-Hall, 1970, \$32.95.
9. Paul N. Luvèra, Jr., *Attorney's Guidebook of Trial Forms and Techniques for Successful Handling of Personal Injury Cases*, Prentice-Hall, 1978, \$49.50.
10. David Lloyd, *Finding the Law — A Guide to Legal Research*, Oceana Publications, 1974, \$4.95.
11. Volney F. Morin, *How to Make Money Practicing Law*. Ivar Publications, 6th ed., 1977, \$14.95.
12. Claude Y. Paquin, *Paquin's Master Guide to a Successful Will Practice*, Institute for Business Planning, Inc., 1979, \$27.50.

13. Miles O. Price and Harry Bitner, *Effective Legal Research*, Little, Brown & Company, 4th ed., 1979, \$17.
14. George E. Ray, *Incorporating the Professional Practice*, 2nd ed., Prentice-Hall, 1978, \$27.95.
15. Marjorie D. Rombauer, *Legal Problem Solving*, West Publishing Co., 1978, \$12.95.
16. Robert Sellers Smith, *Lawyer's Model Letter Book*, Prentice-Hall, 1978, \$34.95.
17. Stuart Speiser, *Attorney's Fees*, Lawyers Cooperative Publishing Co., 1973, 2 vols., \$65.
18. Bernard Sternin. The following articles about word processing in the law office are available from the author at no charge. Send a self-addressed envelope stamped with \$.40 to Bernard Sternin, Box 21H, 5 Hawke Lane, Rockville Centre, N.Y. 11570.
 - (a) "What Automatic Typing Equipment Can Do for You"
 - (b) "A Systems Method for Recording Documents"
 - (c) "Can You Use an Automatic Typewriter? or, Are You Utilizing the One You Have?"
19. Kline D. Strong, *A Scholastic Approach to Law Firm Management*, American Press, 1971, \$10; abridged ed., \$4.50.
20. Arthur D. Willis, *Partnership Taxation*, McGraw-Hill, 2d ed., 1976, \$75. Order from Shepards Citations, Colorado Springs, Colo.
21. Raymond L. Wise, *Legal Ethics*, 2d ed., Matthew Bender, 1970, \$25.
22. Robert B. Yegge, et. al., *New Careers in Law*, University of Denver, 1969, \$5 (re: legal assistants).

D. The Legal Secretary

1. Mary A. DeVries, *The Complete Secretary's Handbook*, 4th ed., Prentice-Hall, 1977, \$12.95.
2. Theresa M. Reilly, *Legal Secretary's Word Finder and Desk Book*, Parker Publishing Co., 1974, \$12.95.
3. Evangeline Sletwold, *Sletwold's Manual of Documents and Forms for the Legal Secretary*, 2d ed., 1976, \$19.95.

E. Law School Texts

1. Vern Countryman and Ted Finman, *The Lawyer in Modern Society*, 2d ed., Little, Brown and Co., 1976, \$22.
2. L. Ray Patterson and Elliot E. Cheatham, *The Profession of Law*, Foundation Press, 1971, \$15.50.
3. Samuel D. Thurman, et. al., *The Legal Profession — Cases and Materials*, Foundation Press, 1970, \$16.

F. Semilegal Books

There have been sociological studies of the legal profession, particular law firms, and a number of works in fiction that touch tangentially upon law office management while providing the reader with an enjoyable evening. The following is a list of some of these:

1. Jerold S. Auerbach, *Unequal Justice, Lawyers and Social Change in Modern America*, Oxford University Press, 1976, \$15.95.
2. Murray Teigh Bloom, *The Trouble with Lawyers*, Simon & Schuster, 1968, \$6.50.
3. Joseph C. Goulden, *The Superlawyers*, Weybright and Talley, 1972.
4. Joel F. Handler, *The Lawyer and His Community: The Practicing Bar in a Middle-Sized City*, University of Wisconsin, 1967, \$10. Copies available from University Microfilms International, Attn: Books on Demand Program, 300 North Zeeb Rd., Ann Arbor, Mich. 48106.
5. Quinton Johnstone and Dan Hopson, Jr., *Lawyers and Their Work*, Bobbs-Merrill, 1967, \$12.50.
6. Erwin O. Smigel, *The Wall Street Lawyer*, Indiana University Press, 1970, \$2.95.

Louis Auchincloss, a Wall Street lawyer, has written much fiction about law firms. Most recent is *The Partners*, published in 1974 by Houghton Mifflin, Inc. (\$6.95). His personal memoir has also been published: *A Writer's Capital*, University of Minnesota Press, 1974, \$8.95. It is available also from Houghton Mifflin, Inc.

G. Commercial General Office Texts

1. Kenneth J. Albert, *How to Be Your Own Management Consultant*, McGraw-Hill, 1978, \$11.95.

2. Louis A. Allen, *Professional Management*, McGraw-Hill, 1973, \$17.95.

3. James L. & Lyn Clark, *How 2: A Handbook for Office Workers*, 2d ed., Wadsworth Publishing Co., 1979, \$5.95.

4. *Datapro Automated Office Solutions*, Datapro Research Corp., 1979, 2 vols., updated monthly, \$310/year.

5. Carl Heyel, editor, *Handbook of Modern Office Management and Administrative Services*, McGraw-Hill, 1972, \$52.50.

6. Lindley R. Higgins and Ruth W. Stidger, *Cost Reduction from A to Z*, McGraw-Hill Singapore, 1976, \$22.50.

7. Bernard Kamoroff, *Small Time Operator... Stay Out of Trouble*, Bell Springs Publishing Co., 1980, \$7.95.

8. H.B. Maynard, editor, *Handbook of Business Administration*, McGraw-Hill, 1967, \$49.50.

9. Robert Minor & Clark Fetridge, editors, *Office Administration Handbook*, Dartnell Corporation, 1975, \$48.50.

10. Russell F. Moore, editor, *A.M.A. Management Handbook*, A.M.A., 1970, \$37.50.

11. Richard F. Neuschel, *Management Systems for Profit and Growth*, McGraw-Hill, 1976, \$16.95.

12. Irene Place, *Office Management*, 4th ed., Canfield Press, 1974, \$12.50.

13. Steven K. Riemer, *Servicing the Professional Corporation: A Complete Manual and Guide*, Prentice-Hall, 1976, \$29.95.

14. George R. Terry and John J. Stallard, *Office Management and Control*, 8th ed., Richard D. Irwin, Inc., 1979, \$16.95.

15. Diane C. Thomas, *How to Save Money on Your Business Rent*, Peachtree Park Press, 1979, \$14.95.

16. Max S. Wortman, Jr., and Joann Sperling, *Defining the Manager's Job*, 2d ed., AMACOM, 1975, \$24.95; A.M.A. members, \$21.21.

H. Commercial Specialized Texts (Except Computers)

1. Personnel

- (a) James Menzies Black, *The Basics of Supervisory Management*, McGraw-Hill, 1975, \$21.50.
 - (b) Dale Carnegie and Associates, *Managing Through People*, Simon & Schuster, 1975, \$10.95.
 - (c) Edgar F. Huse and James L. Bowditch, *Behavior in Organizations: A Systems Approach to Managing*, Addison-Wesley, 1977, \$16.95.
 - (d) Michael J. Jucius, *Personnel Management*, 9th ed. Richard D. Irwin, Inc., 1979, \$15.95.
 - (e) J.W. Lawson II, *How to Develop a Company Personnel Policy Manual*, Dartnell Corporation, 1977, \$69.50.
 - (f) Felix M. Lopez, *Personnel Interviewing, Theory and Practice*, 2d ed., McGraw-Hill, 1975, \$24.
 - (g) Thomas L. Quick, *Person to Person Managing*, St. Martin's Press, 1977, \$10.
 - (h) Dale Yoder and Herbert G. Heneman, editors, *ASPA Handbook of Personnel and Industrial Relations*, BNA Books, 1979, \$45.
2. Communications, Mail and Telephone
- (a) Trevor Bentley, *Information, Communication and the Paperwork Explosion*, McGraw-Hill, 1976, \$19.50.
 - (b) Frank K. Griesinger, *How to Cut Costs and Improve Service of Your Telephone, Telex, TWX and Other Telecommunications*, McGraw-Hill, 1974, \$23.95.
 - (c) Richard A. Kuehn, *Cost Effective Telecommunications*, AMACOM, 1975, \$17.50; A.M.A. members, \$14.87.
3. Word Processing
- (a) Thomas J. Anderson and William R. Trotter, *Word Processing*, A.M.A., 1974, \$19.95.
 - (b) Paula B. Cecil, *Word Processing in the Modern Office*, Benjamin/Cummings Publishing Co., 2d ed., 1980.
 - (c) Walter A. Kleinschrod, *Management's Guide to Word Processing*, Dartnell Corporation, 1975, \$59.50.
 - (d) Gilbert Konkel and Phyllis Peck, *The Word Processing Explosion*, Office Publications, Inc., 1976, \$7.50.
 - (e) Arnold Rosen and Rosemary Fielden, *Word Processing*, Prentice-Hall.
4. Records Filing and Micrographics
- (a) Daniel M. Costigan, editor, *Guide to Micrographic Equipment*, 7th ed., 2 vols., National Micrographics Association, 1979.
5. Secretarial
- (a) Freda Clark, *Secretary's Desk Book of Shortcuts and Timesavers*, Parker Publishing Co., 1978, \$10.95.
 - (b) Mary A. DeVries, *Secretary's Standard Reference Manual and Guide*, Parker Publishing Co., 1978, \$12.95.
 - (c) J. Harold Janis, Margaret H. Thompson, *New Standard Reference for Secretaries and Administrative Assistants*, The MacMillan Co., 1972, \$13.95.
 - (d) Prentice-Hall Editorial Staff, rev. by Mary A. DeVries, *Private Secretary's Encyclopedic Dictionary*.
6. Financial
- (a) Victor L. Harper, *Handbook of Investment Products and Services*, New York Institute of Finance, 1977 rev. ed., \$17.95.
 - (b) Clarence B. Nickerson, *The Accounting Handbook for Nonaccountants*, 2d ed., CBI Publishing Co., Inc., 1979, \$25.95 hardbound; \$13.95 softbound.
 - (c) *Managerial Accounting — A Short Course for Non-Financial Managers*, John Wiley & Sons, Inc., 1975, \$34.95.
7. Layout and Space
- (a) Michael Kinsley, *Outer Space & Inner Sanctums*, John Wiley & Sons, Inc., 1975, \$12.25. (Now available from University Microfilms.)
 - (b) Kenneth H. Ripnen, *Office Space Administration*, McGraw-Hill, 1974, \$23.50.
8. Library
- (a) Martha J. Bailey, *The Special Librari-*

an as a Supervisor or Middle Manager. Special Libraries Association, 1977, \$6.

- (b) Ellis Mount, editor, *Planning the Special Library*, Special Libraries Association, 1972, \$9.75.
- (c) Edward G. Strable, editor, *Special Libraries: A Guide for Management*, Special Libraries Association, 1975, \$8.

9. Other

- (a) George W. Alijian, editor, *Purchasing Handbook*, McGraw-Hill, 1973, \$42.95.
- (b) Anthony Corder, *Maintenance Management Techniques*, McGraw-Hill, 1976, \$12. England only.
- (c) Eugene Kennedy, *On Becoming a Counselor*, Seabury Press, 1976, \$12.95.
- (d) John Ilich, *The Art and Skill of Successful Negotiation*, Prentice-Hall, 1973, \$9.95.
- (e) R. Alec MacKenzie, *The Time Trap: How to Get More Done in Less Time*, McGraw-Hill, 1975, \$2.95 paperback.
- (f) Joe T. Parrett, editor, *Insurance Buyer's Guide — Manual for Risk Managers: 1958-1973*, Cudahy Publishing Co., 1975.
- (g) Dr. Robert T. Riley, *How to Manage Your Time Successfully*, The Drawing Board, 1978, free of charge to management personnel.
- (h) Philip Sperber, *The Science of Business Negotiation*, Pilot Books, 1979, \$10.

I. Computerization

In addition to the publications of the Standing Committee on Law and Technology noted in I.A. above, there have been a number of texts on computerization. The IBM Company has several application briefs available discussing how one or another function of a law office has been computerized. The following is a selection of books on computers that may be helpful; those with (*) are particularly recommended:

- 1. Elias M. Awad, *Automatic Data Processing, Principles and Procedures*, Prentice-Hall, 1973, \$16.95; workbook \$5.95.

- 2. David Bender, *Computer Law: Evidence and Procedure*, Matthew Bender, 1978, one vol., supplemented as needed, \$50.
- 3. Jack Bender, *A Layman's Guide to Installing a Small Business Computer*, McGraw-Hill, 1979, \$10.
- 4. Richard L. Bernacchi and Gerald H. Larsen, *Data Processing Contracts and the Law*, Little, Brown and Co., 1974, \$30. (*)
- 5. Robert P. Bigelow and Susan N. Nycum, *Your Computer and the Law*, Prentice-Hall, 1975, \$18.95 (legal aspects of data processing). (*)
- 6. Ditri, Shaw and Atkins, *Managing the EDP Function*, McGraw-Hill, 1971, \$27.50.
- 7. Keith London, *The People Side of Systems*, McGraw-Hill, 1976, \$22.
- 8. William C. Mair, Donald R. Wood, and Keagle W. Davis, *Computer Control and Audit*, Institute of Internal Auditors, 1976.
- 9. James Martin, *Introduction to Teleprocessing*, Prentice-Hall 1972, \$20.95.
- 10. James Martin, *Security, Accuracy and Privacy in Computer Systems*, Prentice-Hall, 1973, \$27.50.
- 11. S.R. Mixon, *Handbook of Data Processing Administration, Operations and Procedures*, AMACOM, 1976, \$29.95; A.M.A. members, \$25.46.
- 12. Abbe Mowskowitz, *The Conquest of Will: Information Processing in Human Affairs*, Addison-Wesley, 1976, \$8.95.
- 13. Robert G. Murdick and Joel E. Ross, *Information Systems for Modern Management*, 2d ed., Prentice-Hall, 1975, \$18.95.
- 14. Norman Sanders, *The Corporate Computer*, McGraw-Hill, 1973, \$12.95. England only.
- 15. Roger L. Sisson and Richard G. Canning, *Computer Applications*, John Wiley & Sons, Inc., 1976, \$18.95.
- 16. Leighton F. Smith, *An Executive Briefing on the Control of Computers*, Data Processing Management Association, rev. 1979, \$10.95.
- 17. Frederick G. Withington, *The Use of Computers in Business Organizations*, 2d ed., Addison-Wesley, 1971, \$9.95. (*)
- 18. S. Woolridge and K. London, *Computer Survival Handbook*, Gambit Publishers, 1979 rev. ed., \$9.95 hardbound; \$5.95 paperback. (*)
- 19. *Information: A Scientific Book*, W.H. Freeman

& Co., 1966, \$7.95 hardbound; \$5.95 paperback. (*)

20. *The Intelligent Guide to Computer Selection*, Computer Lessors Association, Inc., 1975, \$9.95.

J. Change

It is not the purpose of this bibliography to cover the many problems that technological and sociological change presents to management, but the following items may be of some interest:

1. Peter F. Drucker, *Management: Tasks, Practices, Responsibilities*, Harper & Row, 1974, \$18.75.
2. John J. Fendrock, *Managing in Times of Radical Change*, American Management Association, 1974, \$9.75.
3. John E. Flaherty, *Managing Change — Today's Challenge to Management*, Nellen Publishing Co., 1979, \$9.95.
4. Elting E. Morison, *Men, Machines and Modern Times*, MIT Press, 1966, \$3.45.

II. Periodicals

A. Bar Association Sponsored

1. *Legal Economics*, A.B.A. Section on Economics of Law Practice, bimonthly, subscription free to members of the Section; \$20 to nonlawyers.
2. *Jurimetrics Journal*, A.B.A. Section on Science and Technology, quarterly, subscription free to members of the Section; \$20 to nonlawyers.
3. Other Sections of the A.B.A. publish periodicals. Frequently an article on law office management will appear in one of these, particularly *Docket Call*, published by the Section on General Practice.
4. *American Bar Association Journal*, monthly, subscription free to members, \$10 to nonmembers. There is a regular column on law office management, and often other articles on the subject.
5. *American Bar Foundation Research Journal*, quarterly, \$15/year. Occasionally will have articles on law office management.

6. Other National Organizations

- (a) *Law Library Journal*, American Association of Law Libraries, quarterly, \$24/year U.S.; \$25/year foreign.
- (b) *The NALS Docket*, National Association of Legal Secretaries, International, bimonthly, \$3 to nonmembers, annual per capita tax includes subscription for members.

7. Continuing Legal Education

The brochures sent out by the various continuing legal education organizations may include some discussion of law office management, and the Joint Committee on Continuing Legal Education has, for many years, been publishing *The Practical Lawyer*, eight times a year, \$15. Each issue usually has at least one article on law office management.

8. State and Local Bar Association Journals

Many excellent articles on law office management appear in these journals. State bar association journals are indexed in the *Index to Legal Periodicals*. Some articles from both state and local bar journals are picked up in the bibliography that is published in each issue of *Law Office Economics and Management* (see below).

9. Law Reviews

Upon occasion, law school publications will include a discussion of economics of law practice, especially in such areas as ethics and the economic aspects of tort litigation. In the field of computers, the *Rutgers Journal of Computers, Technology and the Law*, semiannual, \$20/year, has occasional articles on computers in law practice. Another useful law school publication is the *Preventive Law Newsletter*, Emil Brown Fund, Louis M. Brown, editor, University of Southern California Law Center, Los Angeles, Calif.

B. Commercial, Law-Oriented Periodicals

1. *Law Office Economics and Management*, published by Callaghan & Co., was edited from 1960 to 1969 by Daniel J. Cantor, from 1969 to 1978 by Robert P. Bigelow, and from 1979 to the present by Paul Hoffman. Each issue includes articles, meeting reports, book reviews, miscellany on office

management and a bibliography. Approximately 600 pages per year, \$67.

2. *The Legal Administrator*, monthly newsletter, the Association of Legal Administrators.
3. *Manual for Managing the Law Office*, monthly publication which includes a four-page newsletter and one or two articles on law office management written by the publisher's staff or by outside authors. Each article discusses a particular problem in office management. \$147/year.
4. *The Lawyer's Newsletter*, published bi-monthly, Stephan Z. Katzan, editor, Law Publications, Inc., \$24/year. It usually includes one article and summaries of other articles in the area of law office economics and management.
5. *Report to Legal Management*, Altman and Weil Publications, Inc., bimonthly, \$45/year.
6. *Computer/Law Journal*, Center for Computer/Law, quarterly, \$50/year. Each issue is devoted to a single topic, such as computer-assisted legal research.
7. Several more publications also, upon occasion, discuss law office management topics; particularly notable are:
 - (a) *Case and Comment*, Lawyers Cooperative Publishing Co., \$6/year or \$10/2 years.
 - (b) The magazines published by William Papworth, including the *Journal of Taxation* (monthly, \$48/year); *Taxation for Lawyers* (bimonthly, \$28/year); *Taxation for Accountants* (monthly, \$36/year); and *Estate Planning* (bimonthly, \$36/year).
 - (c) *Contents of Current Legal Periodicals* reproduces contents pages of more than 300 legal periodicals. Karen Waidauer, editor, \$62/year.
 - (d) *New York Law Journal* has law office management features, \$12/year.
8. *Legal Economics Automation & Management*, 575 Madison Ave., New York, N.Y. 10022.

C. Commercial, Office-Oriented, General

These periodicals are of a general office man-

agement nature and are not specifically directed to the lawyer. This category includes those published by office management associations of a general nature. The magazines marked "controlled" are available free to certain qualified readers.

1. *Administrative Management*, Geyer-McAllister Publications, monthly, \$15/year.
 2. *Canadian Office*, Whitsed Publishing, Ltd., monthly, \$20/year.
 3. *Datapro Office News*, Datapro Research Corp., monthly, \$42/year.
 4. *Datapro Automated Office Management Newsbriefs*, Datapro Research Corp., monthly, free to subscribers of *Datapro Automated Office Solutions*, \$42/year to nonsubscribers.
 5. *Management World*, Administrative Management Society, monthly, \$12/year (part of membership dues).
 6. *Modern Office Procedures*, Penton/IDC Publishing, \$18/year, controlled.
 7. *The Office*, Office Publications, Inc., monthly, \$20/year, controlled.
 8. *Impact: Information Technology*, Administrative Management Society, monthly, \$30/year.
 9. *Office Equipment and Methods*, Maclean-Hunter Publications, monthly.
 10. *Office Product News*, United Technical Publications, Inc., monthly, \$7.50/year, controlled.
 11. *Office Products Dealer*, Hitchcock Publishing Co., monthly, \$20/year, controlled.
 12. A number of graduate schools of business publish periodicals which discuss the more theoretical aspects of management, though usually in a corporate setting.
- #### D. Commercial, Office-Oriented, Specialized
1. *Canadian Datasystems*, Maclean-Hunter Ltd., monthly, \$15/year.
 2. *ComputerData*, Whitsed Publishing Ltd., monthly, \$25/year.
 3. *Datapro Office Copier News*, Datapro Research Corp., monthly, free to subscribers to *Datapro Copiers and Duplicators Service*, \$42/year to nonsubscribers.
 4. *The Generalist*, Administrative Manage-

ment Society, monthly, \$30/year.

5. *Infosystems*, Hitchcock Publishing Co., monthly, \$30/year.
6. *Information and Records Management*, Information & Records Management, 13 issues annually, \$7.50/year.
7. *The International Word Processing Report*, Geyer-McAllister International, monthly, plus Annual Equipment Review, U.S. subscriptions £46 (pounds sterling).
8. *Mini-Micro Systems*, Cahners Publishing Co., monthly, \$30/year.
9. *Reproductions, Review and Methods*, North American Publishing Co., \$18/year.
10. *Viewpoint*, International Word Processing Association, monthly, \$30/year.
11. *Words*, International Word Processing Association, quarterly, \$15/year.
12. *Word Processing Report*, Geyer-McAllister, twice a month, \$97/year (includes subscription to Word Processing Systems).
13. *Word Processing Systems*, Geyer-McAllister, monthly, \$15/year, controlled.



Films and Cassettes

A. As of this writing, the use of films and cassettes is becoming more and more popular in the field of law office management. The American Bar Association Film Library has issued several films:

1. *How to Start and Build a Law Practice*, #10190, by Jay Foonberg.
2. *How to Increase Productivity Through Motivation*, #131454, narrated by J. Harris Morgan.
3. *How to Increase Productivity Through Systems*, #31453, narrated by J. Harris Morgan.
4. *How to Create-A-System for the Law Office*, by Roberta C. Ramo.
5. *Romancing Fees into the 20th Century*, narrated by J. Harris Morgan.

B. The A.B.A. Economics Section also has a series of cassettes at \$7.50 each (\$6.25 for Section members). They are:

1. *Building an Outstanding Law Firm*, G. Douglas Fos, 1970.

2. *Docket Control for the Law Office*, 1973.

3. *Motivation in the Law Office*, Dr. Melvin P. Reid, 1972.

4. *Romancing Fees into the 20th Century*, J. Harris Morgan, 1970.

5. *Time Management for Lawyers*, 1972.

6. *How to Create-A-System for the Law Office*, Roberta C. Ramo, 1975.

C. Condyne issues new Law Tapes by leading practitioners every six weeks in various areas of interest. Currently they have nearly 200 individual titles and 10 multi-media packages in their library. The latter includes a package (manual and five cassettes) on Law Office Management and Economics created by Daniel J. Cantor and Co., \$150.

D. State CLE organizations, particularly California, also have prepared cassettes on aspects of law practice. Several are as follows:

1. California

- (a) *Attorney's Malpractice*, 3-hour tape, \$25.
- (b) *Attorney's Malpractice*, 3-hour videotape, \$15/viewer.
- (c) *Preparing Your Client to Testify*, 30-minute tape, \$9.
- (d) *Salvation for the Solo Practitioner and the Small Law Firm*, six cassette lecture series programs, each topic (tape and manual) \$19.95, entire program (8 hours, 6 tapes, 100-page manual) \$80. Prepared by the National Practice Institute, cosponsored by the Economics of Law Practice Section of the State Bar of California.

2. Colorado

- (a) *Small Firm Management: Expediting the Practice*, 15-hour videotape, \$80.

3. Indiana

- (a) *Law Office Management*, 4-hour tape, \$18.

4. Kentucky

- (a) *Contingency Fees and Billing for Professional Services*, ¾-hour tape, \$10.
- (b) *How to Set Fees*, ¾-hour videotape, \$10.

- (c) *Handling a Client's Funds*, ¾-hour videotape.
- (d) *Practical Law Office Management*, ¾-hour tape, \$10.
- 5. Tennessee
 - (a) *Paraprofessionals in Action: Quality Control in the Law Office*, 5-hour tape, \$25.
- 6. Texas
 - (a) *Deciding What's Important in Life* (to be issued).
 - (b) *Do Clashes in the Courtroom Cause Clashes in the Bedroom?* (to be issued).
 - (c) *Fifth Annual Seminar for Legal Secretaries and Technicians*, two tapes, \$15.
 - (d) *How to Smooth Tensions and Have a Pleasant Law Office* (to be issued)
 - (e) *How to Take Charge of Your Life* (to be issued).
 - (f) *Managing the Lawyer's Life*, 4 tapes, \$40.
 - (g) *Rewards of a Practice Where the Pleasures Double Each Year* (to be issued).
 - (h) *Salvation for the Solo Practitioner and the Small Firm*, 2 tapes, \$25.
 - (i) *Stress and the Mystique of Success* (to be issued).
- 7. Wisconsin
 - (a) *Paralegal Utilization in Law Offices*, 34-minute videotape.

E. A L I - A B A Cassettes

- 1. *Law Practice Management*, Number V511, Bradford W. Hildebrandt. One cassette, \$15.94.

IV. Consultants and Recruiters

- A. There are a number of consultants available to assist the managing partner in improving office operations. Several who specialize in the law office field advertise in legal periodicals, particularly in the *American Bar Association Journal*. The *Legal Services Directory of the Law Office Economics and*

Management Manual lists about a dozen who are particularly interested in law office problems.

- 1. Altman & Weil, Inc.
P.O. Box 472
326 West Lancaster Ave.
Ardmore, Pa. 19003
- 2. Beers & Associates
7910 Woodmont Ave., Suite 1102
Bethesda, Md. 20014
- 3. Daniel J. Cantor & Co., Inc.
Suburban Station Bldg.
Philadelphia, Pa. 19103
- 4. William H. Clark Associates, Inc.
292 Madison Ave.
New York, N.Y. 10017
- 5. Comptek Research, Inc.
455 Cayuga Rd.
Buffalo, N.Y. 14225
- 6. Robert C. Fraim Associates, Inc.
10409 Lovell Center Dr.
Concord, Tenn. 37720
- 7. R.B. Gerhardt Associates, Inc.
16231 W. Fourteen Mile Rd.
Birmingham, Mich. 48009
- 8. Law & Technology Associates, Inc.
575 Madison Ave.
New York, N.Y. 10022
- 9. Lawyers Bookshelf
Box 78
Bayside, N.Y. 11361
- 10. Management Consulting for Professionals, Inc.
903 The GBS Barclay Bldg.
Bala Cynwyd, Pa. 19004
- 11. Norman M. Martin & Associates
50 Briary Road
Dobbs Ferry, NY 10522.
- 12. Personalized Legal Services
8383 Wilshire Blvd.
Los Angeles, Calif.
- 13. F.R. Schwab & Associates, Inc.
645 Madison Ave.
New York, NY 10022
- 14. R.M. Whiteside Co.
633 Third Ave.
Suite 1923
New York, N.Y. 10017
- B. There are a number of general management

consultants in the United States. Usually these are more attuned to the needs of corporate management and may not be aware of the peculiar relationships between lawyers in a law firm. The following claim particular interest in legal work, although they may really emphasize placement.

1. Zachary Bernard Agency
424 Madison Ave.
New York, N.Y. 10017
2. Catalyst Legal Resources, Inc.
200 Park Ave.
New York, N.Y. 10017
3. Richard Clarke Associates
11 E. 44th St., Suite 1807
New York, N.Y. 10017
4. Herbert Lawrence
180 Beechwood Drive
Oakland, CA 94618.
5. Eolis Personnel
52 Vanderbilt Ave.
New York, N.Y. 10017
6. Genesis Management Corp.
10 E. 53rd St.
New York, N.Y. 10022
7. James B. Gordon
1025 Vermont Ave., N.W.
Washington, D.C. 20005
8. Interquest
280 Park Ave.
New York, N.Y. 10017
9. Ruth Miles Associates
6 E. 45th St., Room 1207
New York, N.Y. 10017
10. The Psi-Corn Group
330 W. 58th St.
New York, N.Y. 10019
11. Fran Shellenberger
5900 Pennsylvania
Kansas City, Missouri 64113.
12. Wells Legal Search
630 Third Ave.
New York, N.Y. 10017
13. David J. White & Associates
2 N. Riverside Plaza, Suite 600
Chicago, Ill. 60606

and services are frequently a source of information. Obviously some of their comments may be tinged with self-interest, but particularly in their field of technological change, they can be extremely helpful. The "Buyer's Laboratory Test Reports" mentioned above are also a source of information.

C. There are some specialized consultants available to the legal profession. A number of placement agencies specialize in the recruitment of lawyers; the American Bar Association also runs a service.

1. Bentley & Evans
10 E. 53rd St.
New York, N.Y. 10022
2. Billington, Fox & Ellis
20 N. Wacker Dr.
Chicago, Ill. 60606
3. Boyden Associates, Inc.
260 Madison Ave.
New York, N.Y. 10016
4. Robert J. Bushee & Associates, Inc.
Carnegie Office Park
P.O. Box 515
Carnegie, Pa. 15106
5. Canny, Bowen
425 Park Ave.
New York, N.Y. 10022
6. William H. Clark Associates
330 Madison Ave.
New York, N.Y. 10017
7. Robert Clifton Associates, Inc.
Suite 1625, 301 Fifth Avenue Bldg.
Pittsburgh, Pa. 15222
8. W.H. Eolis
52 Vanderbilt Ave.
New York, N.Y. 10017
9. Stanley C. Fields, Esq.
Fields and Son, Inc.
176 E. 71st St.
New York, N.Y. 10021
10. Heidrick & Struggles
125 S. Wacker Dr.
Chicago, Ill. 60606
11. Ward Howell Associates
99 Park Ave.
New York, N.Y. 10016
12. Management Woman
Galleria, 14th floor

115 E. 57th St.
New York, N.Y. 10022

13. Moriarty/Fox
20 N. Wacker Dr.
Chicago, Ill. 60606
14. Professional Registry
10110 Phoebe
Hyattsville, Md. 20783
15. Russell Reynolds Associates
245 Park Ave.
New York, N.Y. 10017
16. Simmons Associates, Inc.
2550 M St., N.W.
Washington, D.C. 20007
17. Paul Stafford Associates
45 Rockefeller Plaza
New York, N.Y. 10020
18. Spencer Stuart & Associates
437 Madison Ave.
New York, N.Y. 10022
19. Whiteside & Halbrecht
633 Third Ave.
New York, N.Y. 10017

In the computer field, there are several companies providing computerized assistance in the management of trial evidence, estate planning, etc.

V ■ Bibliographies

Currently the most comprehensive bibliography in the field is the *Law Office Information Service* (LOIS), published quarterly by the A.B.A.'s Section of Economics of Law Practice. Using the Keyword in Context (KWIC) approach, this publication classifies materials in 87 categories. It regularly reviews 91 periodicals. Subscriptions are \$40 per year, or \$15 per issue. Orders should be sent to The Institute of Continuing Legal Education, Hutchins Hall, Ann Arbor, Mich. 48109, Attn: Book Department.

A comprehensive bibliography of earlier material appeared in the 1970 issue of *Law Office Economics and Management*. For several years this was updated in Volume 2 of the *Law Office Economics and Management Manual*. Cumulations ceased in 1974, but the quarterly issues of that magazine, through 1977, continued a current bibliography. Articles from law

reviews will often be indexed in the *Index to Legal Periodicals*.

Other bibliographies include:

1. "Reports Published or Adopted by the Survey of the Legal Profession," Carroll C. Mooreland, 63 *Law Library Journal* 249 (May 1970).
2. "Law Office Management Bibliography," 20 *The Record* (Bar Association of the City of New York) 326 (May 1955).
3. "Selected Bibliography on Professional Corporations," Anthony Grech, 25 *The Record* 609 (November 1970).
4. "Training and Utilization of Legal Assistants," A.B.A., *Law Office Economics*, page 60.
5. "Computers in the Law Office," Robert P. Bigelow, in *Computers and Professional Practice*.
6. "Computers and the Law — A Bibliography," AALL Committee on Automation & Scientific Development, 64 *Law Library Journal* 205 (May 1971).
7. "Bibliography on Automatic Typing," *Lawyers Newsletter*, November, 1971, page 5.
8. "Law Office Management," *Association of Legal Administrators Newsletter*, May 1972.
9. "Executive and Management Development for Business and Government," Agnes O. Hanson, Gale Research Co., 1976.

VI

Addresses of Publishers and Organizations

- 1 Addison-Wesley Publishing Co
Jacob Way
Reading, Mass 01867
- 2 Administrative Management Society
AMS Bldg
Maryland Rd
Willow Grove, Pa 19090
- 3 Advance Management Research, Inc (AMR)
1370 Avenue of the Americas
New York, N Y 10019
- 4 Aldine Publishing Co
529 S Wabash Ave.
Chicago, Ill 60605
- 5 Allyn & Bacon Publishing Co
470 Atlantic Ave
Boston, Mass 02210
- 6 Allman & Weil, Inc.
P O Box 472
Ardmore Pa 19003
- 7 American Bar Association
1155 E 60th St
Chicago, Ill 60637
- 8 American Bar Association Film Library
1687-89 Elmhurst Rd
Elk Grove Village Ill 60067
- 9 American Bar Foundation
1155 E 60th St
Chicago, Ill 60637
- 10 American Federation of Information
Processing Societies (AFIPS)
210 Summit Ave
Montvale, N J
- 11 American Institute of Certified Public Accountants
1211 Ave. of the Americas
New York, N Y
- 12 American Association of Law Libraries
53 W Jackson Blvd
Suite 1201
Chicago, Ill 60604
- 13 ALI-ABA Committee on Continuing
Professional Education
4025 Chestnut St
Philadelphia Pa 19104
- 14 American Management Association
135 W 50th St
New York, N Y 10020
- 15 The American Press
University of Utah
Carlson Hall
Salt Lake City, Utah 84112
- 16 American Records Management Association
24 N Wabash Ave
Suite 823
Chicago, Ill 60602
- 17 American Telephone and Telegraph
195 Broadway
New York, N Y
- 18 Association of Legal Administrators
1800 Pickwick Ave
Glenview, Ill 60025
- 19 Association of Records Executives and
Administrators
P O Box 4259
Grand Central Station
New York, N Y 10017
- 20 Bar Association of New York City
42 W 44th St
New York, N Y 10017
- 21 Bell Springs Publishing Co
P O Box 640
Laytonville, Calif 95454
- 22 Matthew Bender & Co. Inc
235 E 45th St
New York, N Y 10017
- 23 Bobbs-Merrill Co., Inc
4300 W 62nd St
Indianapolis, Ind 46206
- 24 Business Communications Review
820 Enterprise Dr
Suite 115
Oak Brook, Ill 60521
- 25 Buyers Laboratory, Inc
20 Railroad Ave.
Hackensack, N J
- 26 Cahners Books
89 Franklin St
Boston, Mass 02110
- 27 CBI Publishing Co., Inc
51 Sleeper St.
Boston, Mass 02210
- 28 Callaghan and Company
3201 Old Glenview Rd
Wilmette, Ill 60091
- 29 Canfield Press/Harper & Row
10 E 53rd St
New York, N Y 10022
- 30 Daniel J. Cantor & Co
Suburban Station Bldg
Philadelphia, Pa 19103
- 31 Communications Systems Management Association
1102 West St
Suite 303
Wilmington, Del 19801
- 32 Computer and Business Equipment
Manufacturers Association (CBEMA)
1828 L St., N W
Washington, D C 20036
- 33 Computer Lessors Association, Inc
1212 Potomac St., N W
Washington, D C 20007
- 36 Condylne/Trans-Media Distributing Corp.
76 Main St
Dobbs Ferry, N Y 10522
- 35 Contents of Current Legal Periodicals
1105 N Market St
P O Box 552
Wilmington, Del 19899
- 36 Cudahy Publishing Co
3201 Old Glenview Rd
Wilmette, Ill 60091
- 37 The Benjamin Cummings Publishing Co
2727 Sand Hill Rd
Menlo Park, Calif 94025
- 38 The Dartnell Corporation
4660 N Ravenswood Ave
Chicago, Ill 60640
- 39 Datapro Research Corp
1805 Underwood Blvd
Delran, N J 08075
- 40 Data Processing Management Association
505 Busse Hwy
Park Ridge, Ill 60068
- 41 Doubleday & Co., Inc
501 Franklin Ave
Garden City, N Y 11530
- 42 Dow Jones-Irwin, Inc
1818 Ridge Rd
Homewood, Ill
- 43 E P Dutton & Co
201 Park Ave., South
New York, N Y 10003
- 44 The Foundation Press, Inc
170 Old Country Rd
Mineola, N Y 11501
- 45 W H Freeman & Co
660 Market St
San Francisco, Calif 94104
- 46 Gambit Press
27 N Main St
Meeting House Green
Ipswich, Mass 01938
- 47 Geyer-McAllister Publications, Inc
51 Madison Ave
New York, N Y 10010
- 48 Halstead Press
John Wiley & Sons, Inc
605 Third Ave
New York, N Y 10016
- 49 Harper & Row Publications, Inc
10 E 53rd St
New York, N Y 10022
- 50 Hitchcock Publishing Co
Hitchcock Bldg
Wheaton, Ill 60187
- 51 Holt, Rinehart and Winston
383 Madison Ave
New York, N Y 10017
- 52 Houghton Mifflin Co
One Beacon St
Boston, Mass 02107
- 53 Indiana Continuing Legal Education Forum
735 W New York St
Indianapolis, Ind 46202
- 54 Indiana University Press
10th and Morton Sts
Bloomington, Ind 47401
- 55 Industrial Publishing Co
614 Superior Ave. West
Cleveland, Ohio 44113
- 56 Information and Records Management Inc
250 Fulton Ave
Hempstead, N Y 11550
- 57 Institute for Business Planning
IBP Plaza
Englewood Cliffs, N J 07632
- 58 Institute of Internal Auditors, Inc
249 Maitland Ave
Altamonte Springs, Fla 32701
- 59 International Communications Association
300 Lakeside Dr
Oakland, Calif 94604
- 60 International Word Processing Association
AMS Bldg
Maryland Rd
Willow Grove, Pa 19090
- 61 Ivar Publications
1330 Cole Ave
Los Angeles, Calif 90028
- 62 Journal of Taxation
512 N Florida Ave
Tampa, Fla 33602
- 63 Kendall Hunt Publishing Co
2460 Kerper Blvd
Dubuque, Iowa 52001
- 64 Law Journal-Seminars Press
233 Broadway
New York, N Y 10007
- 65 Law Publications, Inc
1180 S Beverly Dr
Los Angeles, Calif 90035
- 66 Law Research Institute
University of Utah
Carlson Hall
Salt Lake City, Utah 84112
- 67 Lawyers Cooperative Publishing Co
Aqueduct Bldg
Rochester, N Y 14603
- 68 Legal Management Associates
39 Grove St
Winchester, Mass 01890
- 69 Little, Brown and Co
34 Beacon St
Boston, Mass 02106
- 70 Maclean-Hunter Ltd
481 University Ave
Toronto, Ontario M5W 1A7
Canada
- 71 MacMillan Co
866 Third Ave
New York, N Y 10022
- 72 Management Information Center, Inc
P O Box 45037, Shenandoah
Miami, Fla 33145
- 73 McGraw-Hill Publishing Co
1221 Ave. of the Americas
New York, N Y 10020
- 74 Miche Bobbs-Merrill
P O Box 7587
Charlottesville, Va 22906
- 75 MIT Press
28 Carleton St
Cambridge, Mass 02142
- 76 National Association of Legal Secretaries
3005 E Skelly Dr Suite 120
Tulsa, Okla 74105
- 77 National Micrographics Association
8719 Colesville Rd
Silver Spring, Md 20910
- 78 National Office Products Association
1500 Wilson Blvd
Suite 1200
Arlington, Va 22209

- 79 Nellen Publishing Co
386 Park Ave South
New York, N.Y. 10016
- 80 New York Institute of Finance
70 Pine St
New York, N.Y.
- 81 New York Law Journal
233 Broadway
New York, N.Y. 10007
- 82 North American Telephone Association
1725 DeSales St., N.W.
Washington, D.C. 20036
- 83 North American Publishing Co
North American Bldg
401 N. Broad St
Philadelphia, Pa. 19108
- 84 Oceana Publications, Inc.
75 Main St
Dobbs Ferry, N.Y. 10522
- 85 Office Publications, Inc.
1200 Summer St
Stamford Conn. 06904
- 86 Oxford University Press
200 Madison Ave
New York, N.Y.
- 87 Parker Publishing Co
Englewood Cliffs, N.J. 07632
- 88 Peachtree Park Press
67 Peachtree Park Dr.
Atlanta, Ga. 30309
- 89 Pilot Industries, Inc.
347 Fifth Ave.
New York, N.Y. 10016
- 90 Practising Law Institute
810 Seventh Ave.
New York, N.Y. 10019
- 91 Praeger Publishers, Inc.
385 Madison Ave
New York, N.Y.
- 92 Prentice-Hall Publishing Co
Englewood Cliffs, N.J. 07632

- 93 Rutgers Journal of Computers
Technology and the Law
Rutgers Law School
15 Washington St
Newark, N.J. 07102
- 94 Safeguard Business Systems
470 Maryland Dr
Fort Washington, Pa. 19304
- 95 St. Martin's Press
175 Fifth Ave
New York, N.Y. 10010
- 96 Seabury Press
815 Second Ave
New York, N.Y. 10017
- 97 Simon & Schuster
1230 Ave of the Americas
New York, N.Y. 10020
- 98 Special Libraries Association
235 Park Ave. South
New York, N.Y. 10003
- 99 State Bar of Texas
P.O. Box 12487
Capitol Station
Austin, Tex. 78711
- 100 State Bar of Wisconsin
402 W. Wilson St
Madison, Wis. 53706
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Ethics from the Inside

Avoiding Fee Disputes and the Formal Engagement Letter

Christopher C. Pence
WSBA Legal Staff

Attorneys' failure to obtain written agreements governing their employment is unquestionably the greatest single contributor to attorney-client fee disputes. The State Bars' Fee Arbitration Board finds no written agreement in up to 90 percent of the cases it adjudicates. (And in virtually no arbitration does the Board award an attorney's entire fee claim without such an agreement.) Fee disputes in turn motivate over half of the telephone and written complaints received by the State Bar's Legal Department, and are the direct or indirect cause of perhaps 25 percent of all legal malpractice litigation. Beyond these unwanted progeny, disputes over fees breed personal stress and loss of time, income, reputation and clientele.

The extent of the problems engendered by fee disputes and the importance of written agreements are reflected in the current discussion over changes in the ethical rules governing attorney conduct. The present Code of Professional Responsibility only speaks to the issue in one "aspirational" ethical consideration that suggests "it is usually beneficial to reduce to writing the understanding of the parties regarding the fee, particularly where it is contingent." (CPR) EC 2-19. On the other hand, the ABA's Discussion Draft of Model

Rules of Professional Conduct ethically mandates that "the basis or rate of a lawyer's fee shall be put in writing before the lawyer has rendered substantial services in the matter," except in certain limited circumstances. Model Rule 1.6(b). If adopted, this provision would subject the attorney who fails to obtain a prior written fee agreement to disciplinary sanction. Another suggested, non-ethics based approach to the issue is creation of a type of "statute of frauds" on attorneys fees, such that fee claims not supported by a prior written agreement would be unenforceable.

Consider one particularly effective device to help avoid the unwelcome consequences of fee disputes by achieving an early, clear written understanding regarding your employment: the formal engagement letter.

Written legal service agreements are generally of two types: the form contract presented to and signed by the client in the office, and the confirming engagement letter sent after the initial conference. While the most appropriate form will vary with circumstance and the nature of one's practice, the engagement letter offers several advantages.

First, the engagement letter will probably result in a better contract. A

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letter drafted with care and tailored to a particular case and fee discussion should more fully and accurately state the terms of the employment relationship than a form with blanks completed during the press of an initial conference.

Second, the engagement letter is generally easier on client relations than the "adhesionish" contract that the client is asked to sign upon the initial consultation. The client deserves and appreciates an opportunity to review the agreement at leisure, and to respond, if necessary, with questions and objections. Also, a letter agreement is more personal than a form agreement which clients regard with the same warmth they view insurance policies.

Third, the engagement letter makes the whole fee agreement process more palatable for many attorneys, and so hopefully encourages written agreements. Perhaps the major reason attorneys fail to obtain

written fee agreements is their embarrassment, distaste or other emotional aversion to the task of getting the client's signature on the dotted line. While recognizing the importance of having a written agreement prior to creation of the fiduciary relationship of attorney and client, many attorneys feel that by so doing they project to the new client a preoccupation with their payment, and not the client's problem. A personalized letter confirming the fee discussion of the initial conference satisfies the need for an early written agreement on fees, yet does not suggest to the client that money is the attorney's prime concern.

The engagement letter presents an opportunity to convey more than the contract terms regarding fees and costs. Especially with the unsophisticated client, it can be used to educate and so avoid later misunderstandings. The following are suggestions for drafting an engagement letter:



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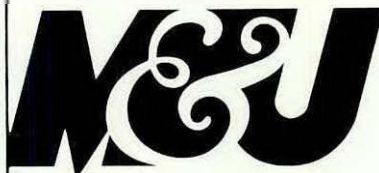
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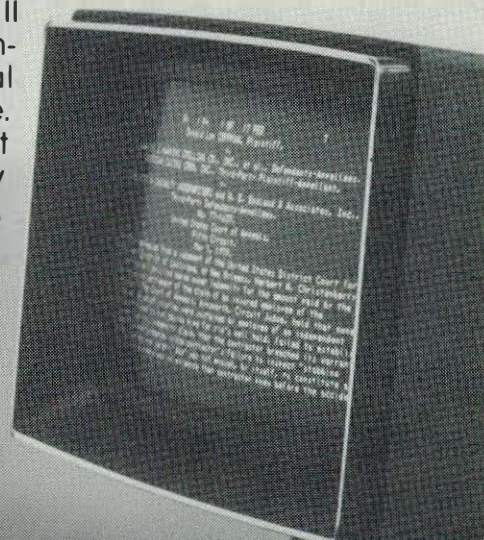
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Basis for Fee If you are charging a flat fee, detail exactly what is included and what is not. If you are charging hourly, state not only your rate but also that of paralegals and associates, if used. If the case is taken on contingency and different percentages apply at different litigation stages, define those stages; also, clearly indicate whether the attorney's share is computed on the gross or net recovery.

Estimates If you give an estimate, remark on the unpredictability of legal matters and state you will advise the client before incurring charges that would significantly exceed the estimate. (And then do so.)

Retainer or Advance If you require an initial deposit, state whether it is a non-refundable retainer or an advance toward fees and costs, to be placed in trust until earned or expended and to be refunded if unused. You may wish to condition commencement of work upon receipt of the requested deposit.

Costs Establish the client's responsibility for reimbursement of expenses and costs advanced. Without trying to exhaust every possibility, list examples of the sort of costs that may be incurred.

Interest If you charge interest on delinquent accounts, say so. Remember that you may not legally charge interest beyond the rate of six percent without a writing. RCW 19.52.010.

Fee Upon Withdrawal or Discharge Especially in contingent fee cases, state the manner in which you will be compensated in the event you withdraw or are discharged prior to resolution of the case.

Fee Sharing If you will be sharing responsibility and fees with co-counsel, the client must be informed and must consent.

Fee Awards If it is a case where you hope to be awarded fees and costs from the opposing party, avoid a common client misconception and indicate that the client is nevertheless

responsible for payment if the opposing party fails to pay.

Telephone Calls While it need not necessarily be stated in the agreement, if you bill for client phone calls, forewarn the client. Charging for client phone conversations is probably the most unexpected and resented of all attorney billing practices.

Effort, Not Results Remember the law school lesson of the "hairly hand case" and make it clear you promise only good legal services, and not any specific result. Promised results result in broken promises and breach of contract actions.

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It is agreed that you will reimburse the firm for all costs advanced and expenses incurred that are directly related to the performance of the legal services undertaken. These include the costs of investigation, service of process, filing fees, depositions, travel, long distance tolls and all other out-of-pocket expenses.

It is also agreed that fees for legal services and other chargeable expenses will be paid within ten days after presentation of statements, unless other mutually satisfactory arrangements have been made between us. A finance charge of _____ % per month, which is an annual rate of _____ %, will be imposed on any balance not paid within 30 days of billing.

While we can make no guarantee of a successful conclusion to your case, the attorneys of this firm will use their best efforts on your behalf. I will be the attorney primarily responsible for this matter. However, other members of the firm may also work on aspects of your case. It is understood that you will extend all members of this firm your full cooperation. It is also understood that the firm will not settle nor compromise this matter without your consent.

If you have questions regarding any of these matters, please call me so they might be resolved. If you understand and accept the terms of this agreement, please sign the enclosed copy of this letter and return it to me in the envelope provided.

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By: _____
Attorney

Accepted: _____

Client _____

Date: _____

have substantial involvement in the case, advise the client. Without this warning and some explanation of why another attorney is working on the case, clients frequently feel like the relegated victim of a bait-and-switch.

Rights and Duties While the legal and ethical rules regarding the respective rights and duties of attorney and client will govern the relationship whether the agreement mentions them or not, you may wish to educate your client on some of these matters. Some examples: the attorney's obligation to use best efforts, to preserve client confidences, to keep the client informed; the client's duty to be can-

did, to keep the attorney informed of his or her whereabouts, to cooperate; the attorney's right to withdraw (with certain limitations) and to make decisions on matters of tactics; the client's right to approve any settlement.

Power of Attorney If the case requires, the agreement can include an express power of attorney authorizing you to execute documents as the client's attorney-in-fact.

Finally, remember that a good written agreement is but part of your protection against fee disputes and their unwanted consequences. Follow up with a regular flow of information to the client on fees and costs incurred and on the status of the client's case. ☐



Board Approves Task Force to Study Needs of Elderly

The Board of Bar Governors has approved the creation of a task force to study the legal needs of the elderly in Washington State. Although not an official Bar Association entity, the task force will operate with the approval and support of the Bar in conjunction with the State's Bureau of Aging. It is anticipated that members of the task force will work with local Area Agencies on Aging in identifying problem areas and formulating recommendations to the Bar. Interested members should contact Denny Allen no later than Sept. 30, 1980. Mr. Allen's address is: Bureau of Aging, OB-43G, Olympia, Washington, 98504.

WLAA to Host 5th Annual Convention

Mount St. Helens and Washington Legal Assistants Association (WLAA) explode upon the legal community with the presentation of the 1980 5th Annual Convention to be held September 19 and 20 at the Bellevue Holiday Inn. A full schedule of topics in law, guest speakers and a banquet will attract convention participants from all over the Northwest. Litigation, corporate, construction, probate and family law are just a few of the topics to be addressed. These courses have been approved by the Washington State Board of Continuing Legal Education for 11.25 hours of CLE credits.

Registration fees: \$70 Members; \$80 Associate members; \$90 Non-members.

For further information, write: WLAA, P.O. Box 2114, Seattle, WA 98111 or call Sheryl Goldsberry at (206) 622-1711 or Marjorie Millay at (206) 682-5151, Convention Co-Chairpersons.

AAA Office Relocation

The American Arbitration Association relocated its Seattle offices on

July 14, 1980. The new address is Suite 200, Colman Building, 811 First Avenue, Seattle, Washington, 98104. The phone number remains (206) 622-6435.

GSLSA Fall Seminar Scheduled For October

Greater Seattle Legal Secretaries will hold its annual Fall Seminar on Saturday, October 18, 1980, at the University of Washington School of Law. The theme of the seminar for legal secretaries and legal assistants is LEGAL-EASE and the following topics are scheduled:

Education: Is it Never Ending? Hon. Barbara Durham-Divelbiss, Court of Appeals

Superior Court Civil Rules: Who, What and How Do You Serve? Seattle Attorney

Freedom of Information Act: What Is It? David Stobaugh, Seattle Attorney

Small Talk: What Do You Say? Myra Goetz

Stress: Who Needs It? Gregory J. Lyman, Training & Development Specialist

Registration deadline is Friday, October 10, 1980, and early registration is recommended. For registration forms and/or more information, contact Mary Blazek at (206) 464-4224.

Reporting Requirements for 1% Excise Tax Affidavit

This year, the Legislature modified reporting requirements on 1% excise tax affidavits making compensating tax on land being sold an obligation of the seller. If land has been classified under open space or designated as forest land, and has been receiving preferential treatment, it must continue as such, or compensating tax must be paid.

According to the King County Manager of Records & Elections, Clint G. Elsom, the law, which became effective June 12, was passed so that purchasers will be protected from paying large penalties should they

unsuspectingly buy land previously receiving preferential treatment.

To ensure that the seller pays the compensating tax under the new law, taxes are to be current and paid before the legal documents can be filed and the property transfers to the purchaser. A supplemental tax form will be required in transactions involving open space and designated forest land and a statement as to whether the land listed is currently receiving preferential treatment. If so, the purchaser has two options: to either continue to use the land in the same manner, thus qualifying for preferential treatment, or to plan on changing the manner in which the land has been used, in which case, the seller must pay the compensating tax. If the first option is chosen, a notice of continued use is required to be signed by the purchaser. The notice of continued use has been incorporated into the supplemental tax form for such instances. Both buyer and seller will be required to sign the supplemental 1% tax affidavit. This is the only way to ensure that both parties are completely informed of all the details.

The new supplemental 1% property tax affidavits are now available at the King County Records office. For further information, call (206) 344-3873.

In Memoriam

Don G. Abel Sr., 85, of Olympia, died July 8. He was admitted to the Bar in 1919.

Kenneth A. Cole, 69, of Bellevue, died June 25. He was admitted to the Bar in 1936.

Discipline

Notice of Disbarment

Franklin D. Loomos has been ordered Disbarred by the Washington State Supreme Court. Loomos was disbarred pursuant to a stipulation entered into between himself and State Bar Counsel and adopted by the Disciplinary Board. This notice is published pursuant to DRA 11.7(c) (1).



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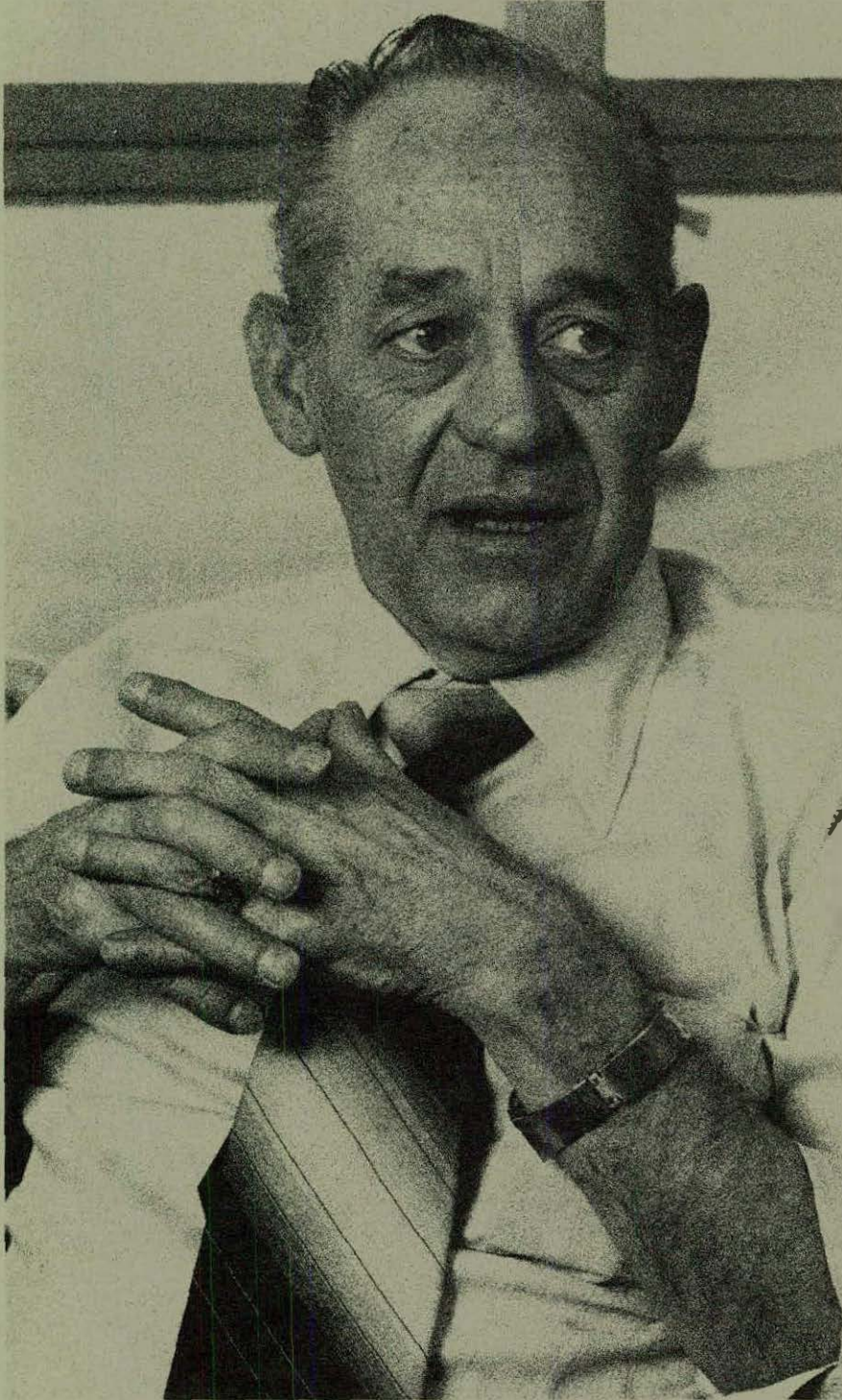
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