De Novo

Colorado Association of Legal Support Staff

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We all need all the help we can get these days, it seems. We may be unemployed, under-employed, or very busily employed (the last being my own situation). All of these carry their own stresses. The De Novo is here to help. I will try to provide you with articles that interest you, inform you, motivate you and inspire you – maybe even two, three or all of those. It is also hoped that the articles in the De Novo will increase your knowledge of the law and the legal profession.

I am always looking for contributors to the De Novo. If you would like to contribute an article to be considered for publication, please contact me at asalek@klmtaxlaw.com. I would love to hear from you about your passion for your work, about a learning experience you had which would be of help to others, or about matters of general interest to De Novo readers. For example, in this issue we have a tidbit about keeping your credit card information safe. We also present an article from Grammar Queen Darlene Johnson in response to a question from a reader and two articles on various aspects of communication from Janet Ellen Raasch. So grab a cut of tea, shut the door, and read on.

Ann Salek, De Novo Editor

Contents of this issue:

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Safeguarding your credit card information

By Ann Salek

The discreet white envelope arrived in the mail over the holidays. Junk mail, I thought, but I opened it anyway. Inside were two new credit cards for Art and me from my credit card issuer – same card type, same expiration date, but a different account number. Hiding in the small print on the insert was a warning that my existing card number would be invalid after January 21, 2009. Since I use and carry only one credit card, I was not happy to realize that if I had not opened the envelope, I could have been "credit card-less" without notice. After several phone calls to the card issuer, I learned that the new cards were issued as a precaution because my account number "may have been compromised or stolen" in what they called a merchant data compromise. They were, they said, not required to notify me of the incident, which took place on December 17, 2008. While there is little you can probably do to protect yourself against mass database thefts, there are some steps you can take on your own to lessen your risk of having your card information compromised or stolen. Here are a few tips from the experts:

1. Treat your credit card as you would cash or checks – keep it secured it all times.
2. Consider carrying only one credit card when you travel – that way, if it is lost or stolen, you only have one issuer to notify. Also on the subject of travel, I know someone who travels with a debit card that is tied to a small account that is not her regular checking account. If the debit card is stolen, the thief's potential access to her funds is limited to no more than the balance of that account.
3. Keep an eye on your card when making store purchases and return the card to a secure place as soon as possible.
4. It is more difficult to watch your card in a restaurant, since wait staff often carry your card off to some hidden corner. If at all possible, keep an eye on the transaction.
5. Draw a line through any blank spaces above the total on your receipt. For example, if you are charging the meal but leaving a cash tip, draw a line through the blank space on the receipt where the tip would normally be written.
6. Know when you should expect to receive your monthly statements. Be alert to missing statements, as this may mean that an identity thief has changed the billing address on your credit card and is running up charges on your account without your knowledge. Contact the company if you do not receive your bill on time.
7. In addition, receiving credit cards that you did not apply for can be a warning sign of identity theft.
8. Retain receipts and compare them with billing statements as soon as the monthly statements are received.

9. Report incorrect or questionable charges promptly. Phone and then follow up in writing.
10. After you have compared your receipts to the statements, shred your charge receipts. Also shred expired cards that you are discarding and pre-approved credit card offers you receive in the mail.
11. Cut down on your mail. Opt out of those pre-approved credit card offers.
12. Never write the account number on the outside of a mailing envelope.
13. Never give out your account number over the telephone unless you have initiated the call and you know that the company you are calling is reputable.
14. Never allow anyone else to use your card, account number, or PIN if you have one.
15. Check your credit reports regularly to make sure that unauthorized accounts of any kind have not been opened in your name. The three major national consumer reporting agencies provide annual credit reports (one from each agency free to you once every 12 months under the Fair Credit Reporting Act) and available to you at 877-322-8228, at www.annualcreditreport.com, or by writing Annual Credit Report Request Service, PO Box 105281, Atlanta, GA 30348-5281.

Resources for this article were the Federal Trade Commission's web site on identity theft, and the U.S. Department of the Interior's Integrated Charge Card Program Policy Manual. To learn more about identity theft, visit the Federal Trade Commission's web site at www.ftc.gov.

The following article is from regular contributor Janet Ellen Raasch. She is a strategic writer and ghostwriter who works closely with professional services providers – especially lawyers, law firm, legal consultants and legal organizations – to help them achieve name recognition and new business through publication of keyword-rich content for the Internet as well as articles and books for print. She has submitted a number of articles to De Novo. She can be reached at (303) 399-5041 or jeraasch@msn.com.

"Spark your listeners' interest..."

Lawyers: Use public speaking To reinforce your professional reputation

By Janet Ellen Raasch

Clients want to hire lawyers and other professional service providers who are thought leaders within a specific area of expertise. One of the best ways to establish yourself as a thought leader is to make a compelling presentation -- on the right subject -- in front of the right group of clients, potential clients or referral sources.

Your presentations can be intimate (face-to-face in a conference room) or public (to a large group in an auditorium) – or somewhere in between. No matter the size of the venue, the principles behind making an effective presentation are the same.

"Just think of Viginian Patrick Henry's 'Give me liberty or give me death' speech," said Steve Hughes. "What if Henry had put the whole thing on PowerPoint (complete with schematics) and just read his speech off slides to the patriots assembled in St. John's Church that day back in 1775? Would his speech have had the same impact – enough impact to spark the American Revolution? Probably not."

Hughes discussed presentation skills before members and guests of the Rocky Mountain Chapter of the Legal Marketing Association (www.legalmarketing.org/rockymountain) at a program held Nov. 11 at Maggiano's Little Italy restaurant in downtown Denver. Hughes is president of Hit Your Stride (www.hityourstride.com), a St. Louis-based communications consultancy that helps clients create and deliver world-class presentations. His seminars have been featured on National Public Radio.

"With a bad presentation, a lawyer's best ideas will die a painful death on the conference room table or in the hotel meeting room," said Hughes. "They will never have a fighting chance."

Always remember that content is king. "When people think about presentation skills, they tend to think about how they will stand, and speak, and make eye contact and gesture," said Hughes. "These physical skills are important, but not nearly as important as having something useful to say. Delivery is forgivable. Wasting the time of your audience with bad content is simply unforgivable."

As you prepare your presentation, consider three things. "First, consider *what* you would like the audience to do, think or feel as a result of your presentation," said Hughes. "Be specific. Do you want them to take action to update their employee handbook, to think about a new change in mining law or to feel worried about the new ADAAA – so they will follow up with you for additional information?

"Second, ask yourself *why* they should want to do, think or feel this way," said Hughes. "What's in it for them? Third, combine *what* and *why* into a single theme sentence. If you can't state your theme in one sentence, you won't be able to discuss it in one hour."

Once you know *what* you are going to say, and *why* it is important to your listeners, you can work on *how* to say it. "It is always a good idea to 'open big'," said Hughes. "You only have a minute – three minutes at the very most – to 'hook' your audience and get their attention. If you waste those first few minutes on generic niceties like thanking the sponsors, as many speakers do, you risk losing audience interest. You'll see the Blackberries start to come out. Make a strong start -- you can always insert the niceties later.

"I use the acronym 'SPARQ' as a reminder of ways you can 'spark' up your opening and the interest level of your audience," said Hughes:

– **Surprising statement**: Spark your listeners' interest by opening with an interesting fact or a surprising statistic – something with an "ah ha!" effect. If a number is big, break it down into something easier to understand and more meaningful (like how much the federal bank bailout would cost each worker). If a number is small, project what its impact would be if you multiplied it by many people (like how a few drips of gas spilled in the course of each gas-station fill-up add up to many thousands of gallons).

– **Picture**: If you are using visual aids, spark your listeners' interest by opening with a good picture or chart (supporting your theme) – and talk about it.

– **Anecdote or story**: Spark your listeners' interest by telling a story or anecdote that grabs their attention and indicates the importance of what you are going to say.

– **Real life example**: Spark your listeners' interest by opening with a real life example. Think like a news reporter on television, who opens with a specific situation or individual, uses that to introduce the general issue, and then closes by referring back to the opening situation.

– **Question or quote**: Spark your listeners' interest by asking a question. This engages their brains in trying to come up with an answer and, by extension, in what you are saying. The question can be actual (call on them for answers) or rhetorical. An interesting quote (especially from an expert in the subject you are discussing) also works well.

In the body of your speech, focus on the clear development of your theme. Focus on providing the information that your audience needs to know in order to reach a conclusion about what you are saying. "Keep you information straightforward – especially if you are trying to persuade," said Hughes. "According to a study by Stanford research, a confused mind always says 'no'. In Missouri, the number-one complaint about CLE presentations was that they went into agonizing detail with no logical flow."

Hughes recommends the use of PowerPoint for presentations – as long as it is used to clarify and focus listener attention on what you are saying rather than confuse and distract listener attention from your message. "When listeners see a lot of text on a slide, they stop listening to you -- and start to read the slide," said Hughes. "In that split second, you've lost their attention. Never, never use prose as a visual aid.

"Use words or phrases on your slides, not sentences or paragraphs," said Hughes. "Put important words in bold and use a lot of white space. Don't make everything equal; use layout and font size to indicate hierarchy. Slides should be speaker-dependent – featuring just headings or images and relying on the speaker to fill in the words If you want to leave listeners with more information, put it in the form of handouts to be distributed *after* your presentation."

Hughes also cautions against the common practice of ending a presentation with a question and answer session. "Save a strong statement for last so you can 'stick the landing' – and leave your listeners with a rousing call to action (what they should do, think or feel). Do not abdicate control of your presentation by ending with a flat Q&A session that could potentially turn negative or veer off topic."

To accomplish this goal," said Hughes, "position your question-and-answer session second-to-last in your presentation. "Say something like, 'I have one more important point to make – but first, I'd like to know what questions you have.' If there are none, be prepared with, 'A lot of times, people ask me "x." Here is what I tell them.' Follow up with 'What other questions do you have?' This simple tactic helps you avoid the dread deafening silence after a call for questions – when folks start gathering up their materials, checking their Blackberries and starting the leave the room."

Prior to any presentation, be sure to think about the "three S's" – slides, speech and souvenirs. "Check your PowerPoint slides for clarity and simplicity and practice your slide navigation," said Hughes. "The strategic tactic of hitting the 'b' key on your keyboard to temporarily blank out the screen, for example, can help focus attention on your spoken words. Hitting 'b' again refreshes the slide – as well as audience attention. There are many similar and equally useful tactics."

Practice delivering your speech out loud until you are comfortable – preferably in front of a small, friendly audience of colleagues who can be trusted to provide honest feedback. Finally, prepare a useful print-out of your presentation (to hand out at the end) that includes not only your slide headings, but also your spoken comments – as well as any additional supplementary materials your listeners might appreciate.

"Your listeners are there for a reason," said Hughes. "Even before you open your mouth – they believe that you will have something interesting to say. Don't blow it. Make sure your content is clear and useful, and that your presentation skills are engaging and well-rehearsed."

The Grammar Queen

By Darlene Johnson

I am so pleased to announce that this column covers an actual question from a reader and not one of those made-up topics that I usually resort to. Woo-hoo! (Yes, this is another shameless plug for the column and the newsletter. I love to hear from readers, and I'm sure the newsletter editor does as well. Even if you are writing to say "Enough of the chit-chat; get down to business," I'm happy to take suggestions.)

Sherry in Colorado asks: "Is it the greater of the earth AND the moon, or the greater of the earth OR the moon? Also, is it the greatest of the sun, the earth, AND the moon, or the greatest of the sun, the earth, OR the moon?" That is an interesting question because, like Sherry and her co-workers, I have not found a specific answer in a book. Still, I have a solution that I think makes sense.

I would use "and" in both cases, and I hope I can explain this clearly. To use the comparative ("greater") of an adjective ("great") requires two items to compare (one item is the greater of the two items), and to use the superlative ("greatest") of an adjective requires three or more items to compare (one item is the greatest of all of the items). Using "and" to connect the items sort of gathers them into groups of either two or more. Using "or" tends to keep the items as individual units, so no comparison can really be made.

To explain differently, I think of it in the same way as using "and" or "or" in subject/verb agreement. "Judy and Carol are going with me to the store." Because of the "and," Judy and Carol are grouped together and make the verb ("are going") plural. "Judy or Carol is going with me to the store." Because of the "or," Judy and Carol are still separated (not connected), and the verb is singular ("is going").

So, Judy and Carol are both cute. Regarding Judy and Carol, Carol is the cuter of the two. Even if the group is made up of Judy, Carol, and Beth, Carol is the cutest of the three. Let's face it: Carol is just doggone cute. And I'm *not* just saying that because I'm her mom: the "and" in those sentences allows me to use the comparative (between two) and the superlative (among three or more) correctly. At least that's what makes sense to me. I would be happy to hear from readers who have a different take on the issue.

Darlene Johnson is the Managing Editor at Continuing Legal Education in Colorado, Inc. When she is not busy making sure that all the i's are dotted and the t's are crossed, Darlene enjoys baking scones and spending time with her husband and daughter. Please send your grammar questions to Darlene at djohnson@cobar.org. This column was in response to a real question from an actual reader.

Effective law firm administration Depends upon connecting with others

By Janet Ellen Raasch

One of the key responsibilities of a legal administrator is the need to interact effectively as a leader with lawyers and staff – one-on-one or in groups – in order to get things done.

In addition, legal administrators need to build and maintain networks of people that they can rely on for support in their professional and personal lives.

Personal interaction styles and networking skills were discussed by speaker and author Sarah Michel at the annual retreat of the Mile High Chapter of the Association of Legal Administrators (www.milehighala.org) held Feb. 29 and March 1 at The Historic Stanley Hotel in Estes Park, Colo. The retreat was attended by 72 members and guests.

Michel works with organizations and associations to create behavioral changes by teaching people how to connect with each other. Her company, Perfecting Connecting (www.perfectingconnecting.com), is located in Colorado Springs, Colo.

The way we influence others

Interactive styles are created by combining the way in which we influence others (by directing or by informing) with the role we tend to play during interactions (initiating or responding) to yield four distinct communication patterns. (The patterns are dealt with in more detail in the next section.)

"It is essential to understand that no single leadership interaction style works for all people in all situations," said Michel. "Each has positive aspects, but each can also generate negative reactions from those you are trying to persuade.

"The important thing is to be aware of your own personal style as well as the styles of the individuals you are interacting with when you are attempting to influence or achieve a common goal," said Michel. "It is also important to know that you can consciously modify your style in order to bridge gaps and be a more effective leader."

Directors focus the way they influence others on the specific task at hand and the achievement of quick results. Their intent is to give structure to the project and to direct the actions of others. "With words, directors tell, ask, direct and urge their colleagues to action," said Michel. "With their bodies, they stride forward purposefully. They point."

On the negative side, directors are so certain that they are right that others might perceive them as bossy. "Directors are often surprised when they meet with resistance," said Michel. "When working with an 'informer,' directors can be frustrated by the lack of a clear position and can grow impatient with a lengthy process."

Informers focus the way they influence others on the process and motivation of their colleagues. Their intent is to give information, seek input from others and inspire (rather than demand) action. "Informers use words to explain and describe," said Michel. "They use flowing, open and eliciting body language to encourage participation."

On the negative side, informers can be perceived by others as indecisive. "Informers are often surprised when no one takes action based on the information they have provided," said Michel. "When working with a 'director,' informers can be offended at being told what to do rather than consulted."

Michel demonstrated this difference with the example of a senior lawyer who was an 'informer' working with three junior lawyers who were 'directors.' The senior lawyer gave the juniors a program brochure with the comment that it looked like an excellent event. Later, he was upset when the juniors did not attend. "If he wanted us to go, why didn't he just say so?" was the response of the juniors. Both parties felt misunderstood.

The role we play

Initiators set the pace and tone of an interaction by focusing on their external world. Their intent is to reach out to and interact with others. "Initiators are often the first to speak," said Michel. "They interrupt. They are extraverted and gregarious. Non-verbally, they are fast-paced and active."

On the negative side, initiators can be perceived by others as intrusive. They are often surprised when others do not want to talk or provide feedback. "When working with a responder, initiators can be impatient with the slow pace or with feedback that comes after the initiator thought a decision had already been reached," said Michel.

Responders set the pace and tone of an interaction by focusing on their internal world. Their intent is to reach inside and reflect before agreeing or disagreeing with an idea or a course of action. They are more solitary and harder to get to know – but their subject-matter expertise can be very deep. "When dealing with responders," said Michel, "give them some time to think and react. Don't crowd them."

On the negative side, responders can be perceived by others as cold or withholding. Responders are often surprised to find out that others think that they are 'mad' at them or unhappy with a proposed course of action. "When working with an initiator, responders can feel pressured by the pace and frustrated by a lack of time to reflect," said Michel.

Michel illustrated this difference by talking about the ways initiators and responders "recharge their batteries" after a hard day at the office. "An initiator will want to go out with others to a social venue and talk about what happened. Initiators 'recharge their batteries' by interacting with other people. A responder will want to spend time alone to ponder what happened. Responders 'recharge their batteries' with solitude."

The way we influence others + the role we play = interactive style

In-Charge leaders are 'directing' in the way they influence and 'initiating' in the role they play. They like to get things accomplished by quick decisions, mobilizing resources, removal of obstacles and rapid action. "They believe that it is worth it to go ahead and act or decide," said Michel.

Chart-the-Course leaders are 'directing' in the way they influence and 'responding' in the role they play. They like to have a course of action to follow and they like to keep themselves, the group and the project on track. "They believe that it is worth it to think ahead to reach the goal," said Michel.

Get-Things-Going leaders are 'informing' in the way they influence and 'initiating' in the role they play. They like to persuade and involve others in a group project – and facilitate the process. Their enthusiasm can be contagious. "They believe that it is worth it to involve everyone and get them to want to proceed," said Michel.

Behind-the-Scene leaders are 'informing' in the way they influence and 'responding' in role they play. They like to get the best result possible. "They believe in the worth of quietly and calmly integrating and reconciling many inputs – often one at a time – in order to arrive at an informed decision," said Michel. "This style of leader in particular has to be careful to avoid 'analysis paralysis.'"

If individuals become polarized along their interactive styles in the course of a project, the inevitable result will be miscommunication and misunderstanding.

"It is easier for those who share at least one element – either the way they influence or the role they play – to get along," said Michel. "Build on the characteristic that you have in common and work around the characteristic where you differ."

The most damaging conflicts arise between those with no shared characteristics. "Most commonly, In-Charge and Behind-the-Scenes leaders clash in interactions involving control of the process – individual versus consensus," said Michel. "Chart-the-Course and Get-Things-Going leaders clash over the pace of the process – long-term strategy versus immediate tactics," said Michel.

By understanding your own interactive style, law firm administrators can maximize the positive while reining-in behaviors that might be perceived by others as negative. By understanding the interactive styles of others, they can appreciate their strengths while understanding their behaviors as unique styles – not personal attacks.

Connecting the dots

"Understanding your interaction style also plays an important role when you 'connect the dots' in order to build networks of people who can provide you with the information you need to be successful in your professional and personal lives," said Michel. Michel discussed the formation of social networks in a separate retreat program.

"These networks constitute your 'social capital' or 'net(work) worth," said Michel. "They are just as valuable as your financial capital and your financial net-worth." Michel defined 'connecting the dots' as a six-stage process.

Stage one is *Self-Assessment* and includes an honest assessment of your own interaction style, your own natural talents and skills, and how you can act as a resource for others. "Before you go out in public, spend some time developing a short statement of your unique talents and skills that is concise, catchy and clear," said Michel.

Stage two is *Do Your Homework* and includes advance preparation for any connection opportunity – like a meeting or an event. "These can be formal events like ALA programs or informal events like your child's soccer game," said Michel. "In this day and age, they can even be online social networks like LinkedIn. What are your intentions for this opportunity? Whom do you want to meet? What might you have in common?"

Stage three is *The Initial Meeting* and includes your first conversation with a possible connection. "Anyone within three feet of you is a potential network contact," said Michel. "Ask open-ended questions to determine how you might be a resource for the other person and how the other person might be a resource for you.

"Productive relationships take work," said Michel, "so decide at this stage if this person is a useful contact and if you are willing to work on 'connecting the dots' in a way that honors the style of both parties."

Stage four is *Connecting the Dots* and includes the hard work of examing your existing network to find someone who might be able to help this new acquaintance. Is there a way in which these parties can help each other? Are their interactive styles compatible?

Stage five is *Follow-up* and includes doing what you promised to do in your conversation – sending information to or making the introduction between members of your network.

"If you are able to help someone, graciously accept their thanks," said Michel. "If someone helps you, express your gratitude. Circle back eventually to let the person know how the connection worked out for you."

Stage six is *Committing to Building the Relationship* and includes ongoing maintenance of your network. "Get your network out of your head and out of your Rolodex and into a CRM system – where it is much easier to maintain and work with," said Michel. "These systems will keep track of your contacts as well as your interactions (including reminders) – allowing you to 'connect the dots' in as little as one hour a week."

Personal interaction styles and networking skills can help legal administrators and others change their behaviors in order to connect with each other – in project teams and networking situations.

Janet Ellen Raasch is a strategic writer and ghostwriter who works closely with lawyers, law firms and other professional services providers – to help them achieve name recognition and new business through publication of articles and books for print and rich content for the Internet. She can be reached at (303) 399-5041 or jeraasch@msn.com.

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