

De Novo

Colorado Association of Legal Support Staff

Vol. 13, No. 5

July 2009



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From the Editor

HAPPY SUMMER! It is high July, and before you know it, the wind will be blowing and the snow will be falling. So if the heat or the sudden summer rain storms get to you, just think of fall and winter in Colorado. What a great place to be at any time of year!

As always, we try to provide articles that we hope will interest you, inform you, motivate you and inspire you – maybe even two, three or all of those. We also hope that the articles in the De Novo increase your knowledge of the legal profession and the business world and make you a better, more productive employee.

*This issue is about personal and professional improvement. We have all been there, but the rules have changed. First up, an article from Janet Ellen Raasch about **job hunting**. Then, an article on what the presenter calls “**emotional intelligence**” and how to make it work for you. This is followed by news about the latest **legislative changes**, and finally, **coming events**, including our own 13th Annual Meeting.*

We are always looking for contributors to the De Novo. If you would like to submit 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, a worthwhile seminar event, or a matter of general interest to De Novo readers. I turn over the helm to the next Bulletin Editor after the September issue, so if I cannot fit it in, it will be passed along to the next editor for consideration. I would love to hear from you!

Ann Salek, Bulletin Editor

Job hunting in the current economy: It's a "brand" new world for legal professionals

By Janet Ellen Raasch

In the current economic environment, many lawyers and other legal professionals are closely studying print and online job ads – looking for work (or for better work). Only 20 percent of available jobs, however, are ever advertised. Eighty percent of jobs are obtained not through advertisements -- but through networking.

To network successfully in the course of a job search, you must first develop a personal brand and then clearly communicate your brand to others in a wide range of traditional and electronic networking opportunities. Your personal brand states who you are and differentiates you from all others seeking the same position.

“Your personal brand is more than a list of skills and accomplishments; it also includes your unique character strengths and values,” said Linda Sollars. “It is the best answer to the most commonly asked job-interview question: ‘Tell me something about yourself.’”

Sollars discussed the role of personal branding in a job search at the monthly educational program of the Rocky Mountain Chapter of the Legal Marketing Association (www.legalmarketing.org/rockymountain), which took place June 9 at the Ritz-Carlton Hotel in Denver. Reacting to her presentation was a panel of legal recruiters.

Sollars is principal of Creating Purpose (www.creatingpurpose.com), where she helps job seekers identify their strengths and develop personal statements as a foundation for career development. She holds a Master's Degree in Adult Development and a Global Career Development Instructor certification. She teaches at Regis University and is training coordinator for the Jefferson County Workforce Center in Golden, Colorado.

Develop a personal brand

“Any job transition offers the opportunity for positive change,” said Sollars. “Before you determine what you want to do, you need to determine who you are. What strengths and values

supplement your skills to make you different from all of the other job seekers out there? Are you on the right career path or is it time to make a change?"

Sollars recommends that all job seekers take the VIA Survey of Character (www.viasurvey.org), a scientifically validated tool that asks 240 questions to identify an individual's 24 signature strengths within six categories:

Wisdom and knowledge – Cognitive strengths that entail the acquisition and use of knowledge, including:

- Creativity
- Curiosity
- Judgment and open-mindedness
- Love of learning
- Perspective

Courage – Emotional strengths that involve the exercise of will to accomplish goals in the face of opposition, including:

- Bravery
- Perseverance
- Honesty
- Zest

Humanity – Interpersonal strengths that involve tending and befriending others, including:

- Capacity to love and be loved
- Kindness
- Social intelligence

Justice – Civic strengths that underlie health community life, including:

- Teamwork
- Fairness
- Leadership

Temperance – Strengths that protect against excess, including:

- Forgiveness and mercy
- Modesty and humility
- Prudence
- Self-regulation

Transcendence – Strengths that forge connections to the larger universe and provide meaning, including:

Appreciation of beauty and excellence
Gratitude
Hope
Humor
Religiousness and spirituality

When making a career change, you can also discover your unique character strengths by asking others what they value about their relationship with you. You should also set aside some time to question yourself. What inspires you? On your very best days, what skills and character strengths are you using?

“Once you understand your signature character strengths, you can use them to guide your career choices and create a personal brand,” said Sollars. “When competing for a job against others who have similar skills and accomplishments, it is these character strengths that will differentiate you and make a unique impression.

“Choose your top three character strengths and determine how they could be of value to a potential employer. Incorporate them into your personal brand statement. When asked to ‘Tell me something about yourself,’ for example, you could state:

Because of my *love of learning*, I keep current with the latest developments in my profession – which I share with my employer and co-workers. Because I *persevere* in the face of opposition, I keep going on a project when others get discouraged and give up. Because I am *self-regulated*, I am able to control my own impulses and put the needs of my employer ahead of my own personal needs.

“Connect the market, your skills and your personal passion,” said Sollars.

Communicate your personal brand

Once you understand the skills and values behind your personal brand, you should develop a short “brand statement” and practice communicating it to others within the context of the networking activities that lead to new jobs.

“When working with my clients, I recommend that they leave voice messages for themselves -- until they are perfectly satisfied with the way this statement sounds. Send it to your friends and ask them for feedback. If you are being authentic, it is not bragging. Practice. Practice. Practice.

“Once you have mastered your brand statement, put it to work in your networking activities. Think about the job you want and where to find the people in that industry. It might be a geographic location, a civic or professional group, or an online social network. You also can network by volunteering, teaching or writing.

“I got my job with the Workforce Center by spending three weeks at a grocery store near the center and asking the people waiting in line whether if they knew anyone who worked at the Center. When I met someone who did, I passed along my resume – and the rest is history.

“It is essential that you take control of first creating your unique brand and then marketing it by strategically and tirelessly networking – with those you know and those you do not yet know,” said Sollars. “Be proactive. Understand what you want and ask for it. You are the CMO of your own career.”

Panel discussion

Elaborating on Sollars’ presentation and discussing the job market for legal professionals was a panel of legal recruiters, moderated by Andrew Hudson, founder and CEO of Andrew Hudson’s Job List (www.ahjoblist.com). Participants were Melinda Delmonico, president and CEO of Gibson Arnold & Associates (www.gibsonarnold.com); David Fennell, founder of Law Q (www.lawqteam.com); and Sarah Gieringer, search consultant at The Advocates (www.targetedlegal.com).

“Never underestimate the power of a strong personal brand,” said Hudson. “Have concrete short, medium and long-term career goals and take the steps to get there, including ongoing professional development and networking. If you need to find a new job, express confidence and passion, and clearly demonstrate your problem-solving capabilities. Many of us were raised to be modest; this is not the time for modesty.”

“Even when working with a recruiter, do not sit back and wait for the recruiter to do all the work,” said Delmonico. “You need to be an equal participant – especially on the networking side of things. I once worked with a lawyer who had relocated. He uncovered a job opportunity by spending time at the airport in his new city, introducing himself to obvious business travelers and asking them if the legal departments in their companies were hiring. One of these leads worked for him.”

“Do not wait until you need a job to create your personal brand and your network,” said Gieringer. “This should be an ongoing, lifelong process. Even when you are not looking for a job, make it a priority to get out and talk to people about your personal brand and goals. When interviewing, emphasize results – not potential. If you were laid off, provide a list of references to counterbalance the perceived negatives of any layoff.”

“Once you have your personal statement and resume in place,” said Fennell, “you should focus on your appearance and presentation skills – for both interviews and networking events. An immediate, positive first impression is essential. Eighty percent of a first impression is based on non-verbal elements like dress, grooming, posture (seated and standing), handshake and eye contact. Engage in mock interviews with an expert, ask for suggestions and make the changes necessary to make a positive first impression.

“Finally,” said Fennell, “don’t be ‘antsy’ -- too quick to accept the first offer that comes along. Think about where you want to be three, five and ten years down the road. Know what you want and hold out for the best.”

Janet Ellen Raasch is a writer, ghostwriter and blogger (www.constantcontentblog.com) who works closely with professional services providers – especially lawyers, law firms, legal consultants and legal organizations – to help them achieve name recognition and new business through publication of keyword-rich content for Web sites as well as articles and books for traditional print media. She can be reached at (303) 399-5041 or jeraasch@msn.com.

Emotional Intelligence: The ability to assess and manage emotions Is key to professional success

By Janet Ellen Raasch

Most lawyers are “book” smart, which leads them to law school and helps them succeed in that traditional academic environment. The best lawyers, however, are also “people” smart – good at understanding and managing human emotions.

Some lawyers can have a hard time understanding and managing their own emotional status – and the emotional status of clients and colleagues at work as well as family and community members outside the office.

Why should this matter? Research indicates that an individual’s emotional intelligence (EQ) accounts for 60-80 percent of success in the workplace and in life, while cognitive intelligence (IQ) accounts for just 20-40 percent. In an environment like law, where everyone is cognitively smart, EQ is a significant differentiator.

At the leadership level of an organization, EQ becomes even more important. Research by the Center of Creative Leadership shows that almost half of all executives fail at their positions within two years. The reason they fail is not a lack of technical competence or cognitive ability, but a lack of emotional intelligence. Executives who fail lack sensitivity to the emotional status of others. In other words, they lack EQ.

“The good news is that lawyers (and other professional services providers) can learn to understand and use emotional intelligence to manage themselves and their relationships with others,” said Dr. Laura Belsten.

“Although IQ remains pretty much the same throughout our lives, EQ can be enhanced – and continues to develop throughout life as we acquire experience,” said Belsten. “Older people tend to have higher EQs than their younger counterparts.”

Belsten presented her findings on the relationship between EQ and professional success at the monthly educational program of the Rocky Mountain Chapter of the Legal Marketing Association (www.legalmarketing.org/rockymountain), which took place May 12 in Denver at the Ritz-Carlton Hotel.

Belsten is the founder and president of CEO Partnership (www.ceopartnership.com), a Denver-based executive coaching and leadership development firm with a national practice. She is a Master Certified Coach and author of *Coaching Emotional Intelligence*. She also developed the *Emotional Intelligence Profile* test. She has taught leadership and communication at the University of Denver for nearly 20 years.

Emotional Intelligence

Emotional intelligence is the ability to be aware of our own emotions and the emotions of others – and to use that information to manage ourselves and our relationships.

“Research shows that organizations that recognize and cultivate emotional intelligence are more productive and more successful at recruitment and retention,” said Belsten. “They are also more profitable. In law firms I have worked with, high-EQ partners are significantly more profitable than low-EQ partners.

“In the area of retention, common wisdom states that ‘employees join companies but leave supervisors,’” said Belsten. “Where supervisors are trained in the use of emotional intelligence, turnover rates go way down. People with ‘good’ bosses (defined as having high EQ) are four times less likely to leave than those with ‘poor’ bosses.

“In addition,” said Belsten, “there are proven health and medical benefits to working in an environment that values and rewards emotional intelligence – an environment that is the exact opposite of most law firms.”

Belsten developed the *Emotional Intelligence Profile* to measure individuals for 24 competencies that have been linked to emotional intelligence and success in the workplace and life. Those who score well in some areas but poorly in others can build upon their strengths to make improvements. Those who score in the “cautionary” or “vulnerable” range can enhance their careers with focused training and coaching.

The 24 competencies are grouped into four emotional quadrants: self awareness, self management, social awareness and social management.

“Self” awareness and management

The self-aware individual exhibits three competencies to understand self:

- *Emotional awareness* – Recognizes own emotions and the mental and physical effects of these emotions; uses feelings as a valuable source of insight and information about self, others and situations
- *Accurate self-assessment* – Knows strengths and limitations
- *Personal power* – Exhibits a strong sense of self-worth and capabilities; self confidence

The self-managed individual exhibits nine competencies to manage emotions:

- *Behavioral self-control* – Keeps disruptive emotions in check
- *Integrity* – Maintains high standards of honesty and ethics; chooses to “do the right thing”
- *Innovation and creativity* – Actively pursues new approaches and creative ideas
- *Initiative and bias for action* – Proactive; ready to act on opportunities
- *Resilience* – Perseveres in the face of adversity and setbacks; bounces back
- *Achievement drive* – Strives to continuously improve
- *Stress management* – Works calmly under stress and pressure; uses tactics like biofeedback, exercise and good diet to manage stress
- *Realistic optimism* – Expects success; sees setbacks as manageable
- *Intentionality* – Thinks and acts deliberately and “on purpose” to control outcomes

“Other” awareness and management

The socially aware individual exhibits three competencies to understand others:

- *Empathy* – Senses the feelings and perspectives of others; takes an active interest in their concerns; walks “a mile in their shoes”
- *Organizational awareness* – Reads the social and political currents in a group or organization
- *Service ethic* – Anticipates, recognizes and meets client needs

The socially aware individual exhibits nine competencies to manage others:

- *Develops others* – Identifies the developmental needs of others and helps them enhance their abilities
- *Influences others* – Uses effective tactics to persuade
- *Communicates* – Listens attentively and fosters open dialogue
- *Manages conflict* – Negotiates and resolves disagreements involving difficult individuals, groups and situations
- *Leads* – Inspires, guides and mobilizes individuals and groups; articulates a clear, compelling and motivating vision for the future
- *Catalyzes change* – Initiates, manages and leads change
- *Builds bonds* – Nurtures and maintains relationships and networks; connects with others on a deep level
- *Collaborates* – Works with others toward shared goals; creates group synergy in pursuit of collective goals

- *Builds trust* – Is trustworthy and ethical when working and relating to others; establishes a bond of trust

EQ assessment tools can be self-scoring instruments, where an individual rates him- or herself, or a 360 process, where an individual's rankings of him- or herself are compared with rankings of the individual prepared by supervisors, peers, direct reports – and even clients. “A reasonably smart person might try to ‘game’ the results in order to look good,” said Belsten. “A 360 approach helps prevent this from happening.

“Organizations that want to be competitive in today’s marketplace need the ‘EQ’ edge to set themselves apart,” said Belsten. “It is EQ that will solve retention and morale problems, improve creativity, create synergy from teamwork, enhance communication, drive purpose and ignite the best and most inspired performance from others.”

Janet Ellen Raasch is a writer, ghostwriter and blogger (www.constantcontentblog.com) who works closely with professional services providers – especially lawyers, law firms, 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 can be reached at (303) 399-5041 or jeraasch@msn.com.

2009 LEGISLATIVE UPDATE

by Ann Salek

This is a list of only certain legislative changes. The 67th General Assembly passed a number of measures which may affect how matters are addressed in your office. The ones discussed below are those which have come to my attention because of my work as a paralegal in the area of trust and estate administration. This is not meant to be a complete list of all of the statutory changes which took effect in 2009. If any of the items mentioned below involve the type of support work you do, I urge you to read the entire statute and discuss with your attorney how these changes will affect your work.

1. Colorado Designated Beneficiary Agreement Act. Title 15, Article 22, C.R.S. Effective July 1, 2009. Enacted to make existing state law available to more persons in the absence of other valid estate planning documents. Cannot be used if there is a valid conflicting superseding legal document such as a will, trust agreement, power of attorney, beneficiary designation, POD/TOD designation, living will, declaration of disposition of last remains, or marriage license. The Act allows persons who are not married to enter into a notarized, recorded agreement to name each other as their beneficiary. The beneficiary agreement by itself does not designate a beneficiary for purposes of life insurance policies, pension plans, etc.; further action is needed by the parties to make these arrangements. There can be only one designated beneficiary agreement in existence at any one time. A statutory form for the agreement is available.

2. Uniform Power of Attorney Act. Title 15, Article 14, Part 7, C.R.S. Effective April 9, 2009, but other sections which were amended for consistency and which deleted current provisions do not become effective until January 1, 2010. This basically applies to financial powers of attorney. Applies to any power of attorney other than: (a) a power coupled with an interest in the subject of the power; (b) a power to make health care decisions; (c) a proxy/delegation with regard to voting or management rights of an entity; and (d) a power created on a government form. Provides that a power of attorney created on or after January 1, 2010 is durable unless it otherwise expressly provides that it is terminated by the incapacity of the principal. Powers of attorney meant to be durable and created previous to that date must follow the statute in effect on December 31, 2009 (See C.R.S. §§15-14-501 and -604), specifically stating in the document that the power of attorney is not affected by the disability of the principal. Recognizes a photocopy or electronically transmitted copy as an original. Provisions of the statute also deal with other matters such as effectiveness, termination, co-agents and successor agents, compensation of the agent, duties of the agent, standing to petition the court, authority of the agent, liability for refusal to accept the power of attorney, and other significant issues.
3. Changes to the Colorado Probate Code made in HB 09-1287. These changes have a **delayed effective date of July 1, 2010**, to give the Colorado legislature the **time to enact some corrective provisions** for the affected statutes. The changes made include: (a) CPI adjustments for inflation of certain probate code figures; (b) increases in the dollar amount for the spousal share in an intestate estate, division of the share for grandparents, deletion of the provision for birth children adopted away, adding provisions for descendants of a predeceased spouse, and adding specific provisions for when a parent is barred from inheriting from a child; (c) the rights of children conceived posthumously or through other assisted reproductive means, rights of parties in the process of adoption at the time of death, creating presumptions regarding birth parents, and other amendments; (d) giving a notarized will the same effect as a will with two witnesses; and (e) giving a court permission to reform a will on the same grounds that a trust could be reformed if there is clear and convincing evidence that the instrument resulted from a mistake of fact or law, and permitting wills to be modified retroactively to achieve the testator's tax objectives.
4. Continuation of the Notaries Public Act through July 1, 2018. Senate Bill 09-111. I understood from Michelle R. Mieras, Esq., who recently gave a 2009 legislative update to the Rocky Mountain Paralegal Association Probate Section, that an earlier draft of this bill included a restriction that would have prevented an attorney or his staff from notarizing a document created by that attorney. That provision was not part of the final bill. The bill changes the journaling provision of the Notaries Public Act to require every notary to keep a journal of each notarial act (See C.R.S. 12-55-111) (waived if a copy of the notarized document is kept by the notary's employer in the regular course of business). Because of potential liability in case a copy of the document cannot be found, it is recommended that the notary keep a journal of all notarial acts. The ability of a notary public to notarize and electronically transmit photographs has been repealed. The Secretary of State's office continues its authority over notaries public; on and after July 1, 2009, it shall verify the lawful presence in the United States of each applicant and is also

authorized to promulgate rules regarding training programs for notaries public. A printout of the specific changes to the law can be obtained from the website of the Office of Legislative Legal Services (look for the digest of Senate Bill 09-111). For further information about notary laws and your duties and responsibilities as a notary, you are urged to read the Notaries Public Act and obtain a copy of the Notary Handbook from the website of the Colorado Secretary of State, www.sos.state.co.us.

UPCOMING EVENTS

COLORADO BAR ASSOCIATION CLE ON E-DISCOVERY

LIVE PROGRAM AND LIVE WEBCAST: AUGUST 21, 2009. Live program at CBA-CLE Classroom, Suite 300, 1900 Grant Street, Denver, Colorado, 8:30-noon. Video replays in Denver, Colorado Springs, and Grand Junction on September 9, 2009. Submitted for 3 General CLE Credits. Cost for CBA non-member is \$199, CBA member \$179, new lawyer \$149, legal support staff (non-member) \$149, and CBA Associate Member \$129. Registration form can be downloaded from www.cobar.org/cle/photos/eventpdfs/L1082110L.pdf. Registration is also available online. Presenters are Kay McCarthy, a litigation support analyst from Holland & Hart, and Jeff DeVoss, an attorney and manager of Firehouse Document Service. Includes such topics as electronic discovery in litigation – managing the process, standardized steps, identification of relevant data, collection and preservation of data, processing and reviewing the data, preparing a production, tracking the process. The live program also provides for a question and answer session.

CALSS THIRTEENTH ANNUAL MEETING AND EDUCATIONAL CONFERENCE

The CALSS 13th Annual Meeting to be held in Loveland, Colorado, includes opportunities for professional enhancement with seminars scheduled for Saturday, September 19, 2009, from 12:30-1:30 p.m. and from 1:45-3:00 p.m. The Annual Meeting registration form will have details on the seminars and presenters.

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About De Novo

De Novo is a bi-monthly publication of the Colorado Association of Legal Support Staff (CALSS), published in odd-numbered months. Deadline for submission is the 15th day of the month preceding publication (i.e., February 15 for the March issue)..

The information in this publication is intended for general guidance, and should not be construed as legal advice. CALSS accepts no responsibility for loss to any person or entity as a result of action or inaction based on the use of any information in this publication.

Articles that appear in *De Novo* do not necessarily reflect the view of CALSS, nor does their publication constitute an endorsement.

An annual subscription to *De Novo* is provided to members of CALSS as part of their membership dues. Printed copies may be obtained from the editor.

All correspondence regarding content should be directed to the editor. Original articles may be submitted for publication, as well as reprints of previously published articles. In the latter case, please include author and publication information so appropriate reprinting permission may be obtained.

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