



# The Straight Word

VOL XXXVIII NO. 9

Burlington County Bar Association

SEPTEMBER 2012

## MARK YOUR DIARY



### SEPTEMBER

- 4 LABOR DAY
- 5 OPENING OF COURTS & MEMORIAL SERVICE – 9 A.M.  
OLDE HISTORIC COURTHOUSE, MT. HOLLY
- 11 CRIMINAL PRACTICE INFORMAL BENCH-BAR LUNCHEON – NOON  
HIGH STREET GRILL, MT. HOLLY
- 18 BUSINESS VALUATION SEMINAR – 4:30 P.M.  
BAR HEADQUARTERS, MT. HOLLY
- 19 IMAGE & BODY LANGUAGE WORKSHOP – NOON  
BAR HEADQUARTERS, MT. HOLLY
- 24 BCBA BOARD MEETING – 4:30 P.M.  
INDIAN SPRING COUNTRY CLUB, MARLTON
- STATE BAR NIGHT – 6 P.M.  
INDIAN SPRING COUNTRY CLUB, MARLTON
- 26 PHILLIES GAME – 7 P.M.  
CITIZENS BANK PARK, PHILADELPHIA
- 27 PERSONAL INJURY SEMINAR – 4:30 P.M.  
COUNTY OFFICE BUILDING, MT. HOLLY



## OPENING OF COURT & MEMORIAL SERVICE

Opening court ceremonies are an important tradition in New Jersey's rich legal history. Burlington County's ceremony dates back to 1972, a time when the courts would close in July and August for vacation and resume after Labor Day. Now, with ongoing judge shortages and a burgeoning caseload, the courts remain in session all year long, yet the Tuesday after Labor Day continues to be thought of by many as the start of the court year. This year's ceremony will also celebrate the reopening of the Olde Historic Courthouse on High Street. Join colleagues and friends on **Wednesday, September 5, 2012** for this year's ceremony at the Olde Historic Courthouse on High Street.

During this year's ceremony, we will honor and pay tribute to departed members of the Burlington County legal community: Hon. John A. Almeida, John Scott Boyer, Blaine E. Capehart, Hon. Dominick J. Ferrelli, and Edward C. Hogan.

All Superior and Municipal Court Judges of the County will sit en banc for this ceremony. The officers, trustees, and members of the Burlington County Bar Association are invited and encouraged to attend this special session to help keep this rich tradition alive.

## MEMBERS TO VOTE ON BYLAW CHANGES

Members of the Burlington County Bar Association will be asked to vote on proposed amendments to the Bylaws at the annual State Bar Dinner on Monday, September 24, 2012 at Indian Spring Country Club in Marlton.

According to Article X of the Burlington County Bar Association's Bylaws, amendments to the Association's Bylaws are proposed by majority vote of the Board of Trustees "shall be approved by a vote of two-thirds of the members present and voting at the annual or any special meeting called for that purpose." A copy of the proposed amendments is enclosed in this issue of The Straight Word. Please review the document and be prepared to vote on the proposed amendments at the State Bar Dinner on September 24.

Anyone with questions on the proposed amendments can call Bar Headquarters at (609) 261-4542.

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## MEMBERS IN THE NEWS



Capehart Scatchard Shareholder, **Amy C. Goldstein**, was recently sworn in as the Treasurer of the New Jersey State Chapter of the American Academy of Matrimonial Lawyers (AAML). The

American Academy of Matrimonial Lawyers was founded in 1962 "to encourage the study, improve the practice, elevate the standards and advance the cause of matrimonial law, to the end that the welfare of the family and society be protected." There are 1600 AAML Fellows across the United States. They are recognized by judges and attorneys as preeminent family law practitioners with a high level of knowledge, skill and integrity. Ms. Goldstein's practice areas include marital and civil union dissolutions, appeals, alimony, child support, cohabitation, child custody issues, prenuptial, post nuptial and cohabitation agreements, post-divorce cases and all related matters.

Capehart Scatchard Shareholder, **Lora V. Northen**, recently spoke at the 32nd Annual National Workers' Compensation and Occupational Medicine Conference for SEAK in Cape Cod, Massachusetts. In her presentation, Ms. Northen discussed the benefits of post-offer exams and how to determine which workers' compensation claims should be accepted and which should be denied. Additionally, Ms. Northen spoke on Section 40 liens and spotting fraud in workers' compensation cases. In addition to her responsibilities as Co-Chair of the Workers' Compensation Department, Ms. Northen focuses her practice in the representation of employers, self-insured companies, and insurance carriers.

Capehart Scatchard Executive Committee Member, **Betsy G. Ramos**, recently spoke at the Somerset County Joint Insurance Fund Board of Directors Meeting in Bridgewater, New Jersey. In her presentation, Ms. Ramos spoke on the issue of Title 59 sidewalk claims. She discussed what needs to be established for an injured party to recover damages against a public entity if injured on a public sidewalk. Additionally, Ms. Ramos discussed the defenses available to the public entity for sidewalk claims. Certified by the Supreme Court of New Jersey as a Civil Trial Attorney, Ms. Ramos is a Shareholder of Capehart Scatchard's Litigation Department in its Mt. Laurel office. She has over 25 years experience handling diverse matters and concentrates her practice in business litigation, estate litigation, tort defense, employment litigation, insurance coverage, and general litigation.

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## PRESIDENT'S MESSAGE

BY: JANICE HEINOLD



Until the late 1970s, the Courts were closed during the summer. This summer, despite it being one of the hottest on record, the County Court was not only open, but welcoming two new judges to the bench.

The Honorable Paula T. Dow, J.S.C. grew up in Yeadon, PA. A graduate of the University of Pennsylvania Law School, Judge Dow worked for Exxon after graduation, and in 1987 joined the District

Attorneys Office for the Southern District of New York. She also served as the Essex County Prosecutor for five years. Judge Dow served as the State's Attorney General from January 2010 to January 2012. Judge Dow has been assigned to the Family Division, and has already become a member of our Bar Association.

The Honorable Christopher J. Garrenger, J.S.C. has served with the Office of the Public Defender since 2000, and until his appointment to the bench, supervised the Somerset County office. He is a graduate of Seton Hall Law School. Judge Garrenger also served as a law clerk to Middlesex Criminal Presiding Judge Barnett E. Hoffman. He is a resident of Lambertville. Judge Garrenger has been assigned to the Family Division.

We warmly welcome Judge Dow and Judge Garrenger to Burlington County, and look forward to working with them.

Although we gained two judges, we also lost one to the Appellate Division. Judge Michael J. Haas was assigned to the Appellate Division effective August 1. We congratulate Judge Haas on his accomplishment and thank him for his service to Burlington County.

I have heard the Board's and members' concerns regarding a lack of nominations for attorneys who live in and predominantly practice in Burlington County. On August 15, 2012, I met with Senators Diane Allen and Dawn Marie Addiego to express our concerns, and to offer any assistance the Bar Association can provide in garnering nominations for "home grown" judges.

At our August Board Meeting, members of the Board and the Criminal Practice Committee expressed concern to the Board regarding the County Contract with the Prosecutor's Office. The Burlington County Assistant Prosecutors are the lowest paid in the State, and we are losing talented and experienced prosecutors. Part of Bar Association's Mission Statement is to serve the public by facilitating and promoting the delivery of quality legal service. To that end, the Board passed a resolution requesting the County Freeholders to bring the salaries of Burlington County Assistant Prosecutors in line with the other nine southern counties, in

## The Straight Word

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### STATEMENT OF POLICY

The existence of your Burlington County Bar Association is made possible by your financial support. However, our success in fostering professional growth and improving the practice depends on your participation in meetings, programs, seminars and the work of committees, as well as your support of our monthly publication, THE STRAIGHT WORD, by way of suggestions and contributions. Contributions are welcome, subject to the deadline of the 10th day of each month. There is only one publication during July and August. The right to edit and publish is reserved.

order to retain talented and experienced prosecutors who protect the public welfare through the administration of justice.

Our committee chairs met in July and have hit the ground running, offering seminars beginning in September. This summer, we also added a new benefit for our members: your CLE certificates are now stored online for your convenience. Please see the article in this month's issue, which explains how to access your record of CLE credits and your certificates.

By the time you get this message, I will be in Bordeaux, France. I am running in the Marathon du Medoc on September 8. To mark the occasion, my wine pick for this month is the 2005 Chateau Lanessan Haut Medoc. At \$30, this drinks like a wine costing much more, with dark cherry and tobacco notes evolving into a delightfully complex finish. Decanting suggested.



# CIVIL BENCH BAR MEETING

**ANNUAL MEETING**

**October 4, 2012 (4:00 PM)**

*County Office Building, Courtroom #2*

All attorneys appearing before the Superior Court, Civil Division in Burlington County are encouraged to attend this annual meeting. In the past, attendance has been minimal. We are hoping for a larger lawyer turnout because we sincerely want to hear from you so that we can work together for a more efficient resolution of the cases. This will be a give and take session and we hope that attorneys will provide us with their unedited thoughts about our process.

- Marc M. Baldwin, Presiding Judge

## **EIGHTH ANNUAL WINE & BEER TASTING**

*Popular Event Returns October 26!*

The Burlington County Bar Foundation is pleased to present its seventh annual Wine & Beer Tasting on Friday, October 26, 2012 from 6 – 9 p.m. at the Moorestown Field Club in Moorestown.

Wine and beer enthusiasts alike will be treated to an international selection of wines by our very own resident wine expert, Janice Heinold, and interesting microbrews while enjoying a bountiful display of hot and cold hors d'oeuvres including crab cakes, pasta station, mini meatballs, vegetable and cheese crudites and more!

We will again be assembling an exciting array of prizes for the fisherman's pull auction which will take place during the event. Past winners have gone home with a Chris Pronger autographed Flyers jersey, Eagles tickets, a Sony Blu-Ray DVD Player, spa packages, vacation homes, and gift certificates to some of the area's hottest restaurants, just to name a few.

One of the Foundation's premier fundraising events, the Wine & Beer Tasting helps raise money for the many community service projects sponsored by the Foundation. Last year's event raised over \$5,500! With your support, we can reach or exceed that amount this year! All members, their families and friends are invited and encouraged to attend. A reservation form has been included in this month's edition of The Straight Word. Complete the form and mail it, along with payment, to Burlington County Bar Foundation, c/o Wine & Beer Tasting, 137 High Street, 3rd Floor, Mount Holly, NJ 08060.

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## AUCTION ITEMS SOUGHT



The Burlington County Bar Foundation is seeking items for the fisherman's pull and silent auction to take place during the 8th Annual Wine & Beer Tasting on October 26, 2012 at Moorestown Field Club.

Club.

Past donations include sports tickets and memorabilia, gift certificates to area restaurants, golf packages, jewelry, spa gift certificates, vacation homes and luxurious gift baskets. Donations are vital to the event's success and make for a fun evening as attendees anxiously await the reading of the winning numbers. Proceeds from the auction benefit the Foundation's many community service projects such as a holiday party for disadvantaged children, grants for area high school programs, and donations to local charities.

To make a donation, contact Bar Headquarters at (609) 261-4542 or via e-mail at [karaedens@burlocbar.org](mailto:karaedens@burlocbar.org). Spread the word!

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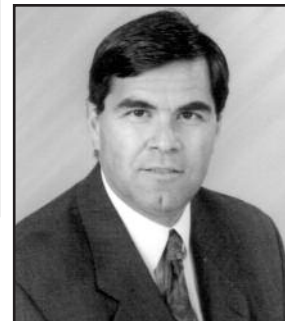
# Workers' Compensation



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## ASSOCIATION ANNOUNCES NEW MEMBER BENEFIT!

The Burlington Bar County Association is proud to announce that all members' CLE certificates for seminars taken with the BCBA after June 1, 2012 are now stored online in your individual profile. With just a click of your mouse, all members have access to their BCBA-issued certificates in one convenient place! See what BCBA seminars you've taken, calculate how many credits you have, print certificates for easy reporting, and no longer worry where you placed that paper certificate.

To get started using this fantastic member benefit – **you must first claim your member profile** if you haven't done so already. To claim your profile, simply follow a few steps:

1. Access the directory by going to <http://burlcobar.org/member-directory/>
2. Click the link on the page which will redirect you to the Member Directory log-in page.
3. Click "I Need to Claim My Account".
4. Enter your first or last name, or firm name, and click the binoculars.
5. A series of names should appear. Select your name.
6. Confirm your account by entering your email address and zip code.
7. You should see a message that your account has been activated and be provided with your user name and password. You can now go to the log-in page and log-in to start creating and editing your profile (see additional directions for editing your profile inserted in this issue).

From now on, for each BCBA seminar you attend, your CLE certificate will be uploaded to your profile, as well as emailed to you, following the seminar. Paper certificates will not be mailed unless specifically requested. **To view or print your certificate, simply log into your profile and click the corresponding link listed under "Existing CLEs"**. Each certificate will be named for the corresponding seminar you completed.

This fantastic benefit is available to Burlington County Bar members only and only applies to BCBA seminars. Certificates will not be uploaded for seminars taken prior to June 1, 2012. Get started keeping track of your BCBA seminars online today! Questions? Call Bar Headquarters at 609.261.4542.

### FREE

I have nine tan legal size file cabinets in fairly good condition to give away. Also, some FREE assorted office equipment. If interested call Jim Vogdes

**609-654-8388**

## JOINT BAR FOUNDATION GOLF OUTING

*Tee off for a good cause on October 29*

The Burlington and Camden County Bar Foundations are coming together again to bring you the premier golf outing in South Jersey on Monday, October 29, 2012 at Laurel Creek Country Club. Don't miss your chance to play on this challenging and beautiful Arnold Palmer-designed course.

For \$190 per player, golfers will enjoy use of the club's driving range prior to the round, boxed lunch, open bar cocktails and dinner and awards banquet after the round, as well as some terrific prizes, including a chance to win a new car for a hole-in-one, all while helping the Foundation's many community service projects!



The day commences with check-in at 9:30 a.m. along with use of the club's driving range, boxed lunch at 10:30 a.m., and shotgun start/scramble format at 11 a.m. Cocktail hour and hors d'oeuvres will begin immediately following the round, followed by a buffet dinner including an awards presentation to the day's top golfers.

Not a golfer? You can still contribute by purchasing one of the many levels of sponsorship offering refreshment sponsorships, prize sponsorships, hole sponsorships, and more.

Use the registration form in this month's issue to sign up! Contact Bar Headquarters at (609) 261-4542 with questions.

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# BURLINGTON COUNTY ADDS TWO JUDGES TO BENCH

The Honorable Paula T. Dow took the oath of office on July 16, 2012 and the Honorable Christopher J. Garrenger took the Oath of Office on July 27, 2012. Below are pictures of the new judges receiving the Oath. Congratulations and welcome!



(l to r) Mother Diane, wife Dana, daughter Julia, Judge Christopher J. Garrenger and his father Robert L. Garrenger



Judge Dow





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most recent composite look anything like these?  
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**Professional photographer, Victoria Friend, will be photographing by appointment  
from 8:30 a.m. to 4:30 p.m.  
September 10 to September 21, 2012  
in the conference room at Bar Headquarters.**

---

Please make an appointment to secure your preferred time by contacting **The Photography Co.** at **(800) 693-2306, ext. 1**, or via email at [victoria@thephotographyco.com](mailto:victoria@thephotographyco.com).

Appointments for the above dates are requested so that we know how many members would like to participate and can schedule time accordingly to include all who wish to be photographed. Time will be added if we need it, so please let us know if you will be participating in the photography session.

Victoria Friend will be taking formal portraits of the Bar Association's members at Bar Headquarters. Photo sessions are by appointment with no waiting and only take approximately 10-15 minutes. You will be able to view proofs immediately and select your photo for the directory. If you wish to purchase additional photos for your own marketing, web, and print purposes, Victoria can help you with that when you view your pictures immediately after the photos are taken.

This is a formal sitting. Men are encouraged to wear a dark, solid-colored suit jacket and a favorite tie. Colored shirts do photograph better than white in digital, but a white shirt is fine under a jacket.

Women are encouraged to wear bold colors with sleeves to the elbow or long sleeves. Please note that plaids and herringbone patterns do not photograph well in digital, nor do whites or pastels unless worn under a jacket.



**BURLINGTON COUNTY BAR ASSOCIATION**  
137 High Street, 3rd Floor ~ Mount Holly, NJ 08060

# SPECIAL NEEDS PLANNING COMMON MISTAKE #3 FUNDING

**BY: THOMAS D. BEGLEY, JR., ESQUIRE, CELA**



This is the third in a series of articles pertaining to the twelve common mistakes with special needs planning.

A third major problem in special needs planning is that most parents have no idea how much money will be required to fund the Third Party Special Needs Trust. Typically, a family with two healthy children and one child with disabilities will decide to divide their estate into equal thirds with one-third going outright to each of the healthy children and one-third to be held in a Special Needs Trust for the benefit of the child with disabilities. This really approaches the problem backwards. Of the three children, one may be a very successful physician, the other may be a Wall Street executive, and the child with disabilities may suffer from Down Syndrome and will never be able to work a day in his or her life. The parents love the children equally and want to treat them equally on death. Part of the advisor's job is to focus the parents' attention on the needs of the child with disabilities. The child could be young or could be an adult child.

The family should start by having a Life Care Plan prepared by a trained Life Care Planner. Many disability organizations have Life Care Planners on staff or have working relationships with independent Life Care Planners. The Life Care Plan will determine the lifestyle that the parents want the child with disabilities to have, and estimate the cost of funding that lifestyle. The amount of money required to fund the trust is often far more than the parents will ever have, so life insurance is often an excellent vehicle. In situations involving a married couple, a second-to-die policy can be purchased to fund the Special Needs Trust. Whole life should always be used to fund the Special Needs Trust. Term insurance is generally unsuitable, because as the parents age the premiums increase to the point where the insurance becomes unaffordable. Other assets can then be left to the healthy children. Without the Life Care Plan, parents have no idea whether their goals for this child with disabilities can or will be met.

One of the ways to determine the amount necessary to fund the trust to ensure that the child with disabilities lives the lifestyle his parent's desire would be to meet with a competent financial advisor. The financial advisor is unlikely to do a formal Life Care Plan. The advisor would bring expertise in the investment side of the equation. Another way to guesstimate the future cost of living for the child with disabilities is to simply sit down and develop a budget. An inflation factor would be built in. Costs would include expenses for shelter, for food and clothing, for medical needs not covered by private medical insurance or Medicaid, entertainment, recreation, and other living expenses. If a group home is a possibility, this would also be considered. Once these costs are quantified, an

amount necessary to fund the Special Needs Trust to meet the parents' objective for that child can be established. A final way to calculate the amount needed to fund a Special Needs Trust is to use various online calculators. Two popular ones are: Merrill Lynch and Company:

<http://askmerrill.ml.com/specialneeds>, and Metropolitan Life Insurance Company's "Met Desk Calculator."

In calculating the amount of money necessary to fund a Third Party Special Needs Trust, the availability of public benefits is often considered. Clients must understand that the continuation of public benefits as we know them today is not guaranteed. Where possible, the Special Needs Trust should be funded at a level that would be adequate to maintain the person with disabilities, if the level of public benefits were curtailed or if public benefits were eliminated entirely. On the other hand, while some families feel that public benefits will always be unnecessary because of the level of trust funding, they must understand that it is often difficult, if not impossible, to obtain private medical insurance for persons with physical or cognitive disabilities. These disabled family members are much more prone to catastrophic illness and Medicaid may be the only available source of funding for medical care. Frequently, children with disabilities are covered under their parents' medical insurance policies, but these policies may not be available once a child reaches a certain age, typically age 26, or if the parent dies or loses his or her job.

Special Needs Trusts can be funded with retirement accounts. If a person has a child with a disability and an IRA, a strategy would be to minimize distributions to defer as much of the retirement plan as possible for the benefit of the child with a disability upon the parent's or employee's death. The child with disabilities is often in a lower tax bracket than the parent or employee. This strategy would yield tax savings. The Special Needs Trust is designated as beneficiary to stretch out the distributions from the IRA. The Special Needs Trust will be subject to trust income rules under the Internal Revenue Code. These rules determine whether trusts are taxed as separate entities and how income and deductions are reported by trusts, including allocation of income between trust and the trust's beneficiaries. A person establishing a Third Party Special Needs Trust should not count on funding it with the proceeds of a retirement plan, because the parent could outlive the life expectancy tables and there may be little or nothing left in the IRA to distribute to the Special Needs Trust. While the retirement plan may be substantial at the time the estate planning is done, it may be reduced significantly by the time the parent dies and the funding that was anticipated at the time of the estate planning may not materialize. Of course, in some cases the major asset of the family may be the IRA or retirement plan and there may be no alternative than to make the beneficiary the Special Needs Trust.

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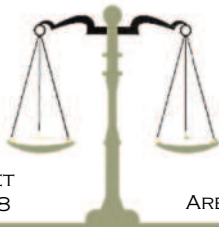
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# Burlington Vicinage Civil Jury Trial Verdict Summary 2012

Page 1 of 1



<i>Parties</i>	<i>Type of Case</i>	<i>Date of Verdict</i>	<i>Judge</i>	<i>Arbitration Award</i>	<i>OUTCOME</i>
<u>Rossi v. Brady</u> Attorneys: Joel Rosenberg; David Lustbader <i>P suffered corneal abrasion and subsequent eye infection, ulcer and reduced vision following dental cleaning wherein a foreign object flew into her eye.</i>	Med Mal	6/20	Baldwin	n/a	No Cause
<u>Kilicoglu v. Zellman</u> Attorneys: Alan Reuter; Charles Blumenstein, II <i>P's vehicle was struck in the rear in a multi-car MVA on icy roads. P alleged hnp @ L5-S1 w/fusion surgery. Verbal threshold. *Verdict on liability, rather than threshold.</i>	Auto	6/26	Crook	No Cause	No Cause*
<u>Taylor v. Kemp</u> Attorneys: N. Costa; B. Parker; J. Levy <i>Rear-end MVA. P alleged hnp @ C5-6; bulge @ C4-5. Verbal threshold.</i>	Auto	6/27	Harrington	\$50,000	No Cause
<u>Kaur v. Jiras</u> Attorneys: Robert Sexton; Steven Antinoff <i>P pedestrian was struck by D's veh. while crossing road in the middle of block at night. P suffered fx tib/fb &amp; humerus- all w/surg. &amp; hardware. *Gross award: liab.: 50/50.</i>	Auto	6/28	Baldwin	\$400,000*	No Cause

# Burlington Vicinage Civil Jury Trial Verdict Summary 2012

Page 1 of 1



<i>Parties</i>	<i>Type of Case</i>	<i>Date of Verdict</i>	<i>Judge</i>	<i>Arbitration Award</i>	<i>OUTCOME</i>
<u>Carter v. White</u> Attorneys: Lee Bender; Marie Ramos-Wright <i>Rear-end MVA. P alleged hnp @ L5-S1, cerv/thor/lumbar s/s. Liability was not disputed. No threshold. *Award for PI: \$75,000; balance: meds. &amp; economic losses.</i>	Auto	7/20	Richmond	\$88,664*	No Cause
<u>Gilmore v. Principato</u> Attorneys: Robert Greenberg; Jennifer Hindermann <i>Rear-end MVA. P alleged agg. of prior hnp @C4-5, bulges @ L4-5, shoulder and hip issues and other soft-tissue injuries. Verbal threshold.</i>	Auto	7/20	Harrington	\$17,500	No Cause
<u>Stein v. Fricsons</u> Attorneys: Mark Molz; Jennifer Hindermann <i>Minor P bicyclist was struck by D while crossing the highway. *Gross award; liab.: P/D-45/55%. **Tried on liability only.</i>	Auto	7/25	Richmond	\$250,000*	No Cause**
<u>loele v. McCormack</u> Attorneys: Scott Goldberg; Steven Antinoff <i>Intersection/left turn MVA. P alleged internal derangement of shoulder w/bursitis; cerv/thor/lumbar &amp; ankle s/s. Verbal threshold</i>	Auto	7/26	Little	\$65,000	No Cause
<u>Thomas v. Catholic Health East</u> Attorneys: A. Deheer; K. O'Malley; M. Scheiner <i>Ps alleged employment retaliation and defamation arising from negative post-employment references.</i>	Employment/Defamation	8/3	Baldwin	n/a	No Cause
<u>Bayfield v. Peterson</u> Attorneys: Richard Talbott; Richard Astorino <i>Rear-end MVA. P1 driver suffered cerv. hnp (verbal threshold); P2 passenger alleged torn labrum (no threshold). *P1 &amp; P2 each awarded \$25K. ** P2's verdict was zero dollars.</i>	Auto	8/3	Little	\$25,000/25,000*	\$5,000/Zero**
<u>Kaur v. Singh</u> Attorneys: Paul Mellnitz; Mary Brennan <i>Trip/fall on light placed near D's walkway. P alleged fx orbit, ophthalmic problems. *Gross award; liab.: 50/50.</i>	PI	8/3	Crook	\$35,000*	No Cause
<u>Wright v. Juliano</u> Attorneys: Alfred Falcione; Cynthia Satter <i>Rear-end MVA. P suffered hnps @ C4-5, 5-6, 6-7 w/surg. and hardware; ulnar neuropathy (2x); CTS (2x). Verbal threshold.</i>	Auto	8/8	Baldwin	\$50,000	\$400,000

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## ARE YOU IN THE RELATIONSHIP— BUILDING BUSINESS?

BY KIMBERLY ALFORD RICE



Some things appear to be so simple that we assume (dangerously) that everyone "gets it." Bear with me a moment.

For lawyers, it is imperative to consistently and persistently cultivate, nurture and strengthen their relationships within their universal network; with clients, to receive more work; with referral sources, to receive more referrals; with prospects, to develop

new work; and so on.

Then why is it that a significant number of lawyers either have no system — formal or otherwise — for getting and staying in touch with these people or do a dismal job of staying connected?

What Does 'Getting and Staying in Touch' Mean?

Again, a seemingly obvious question, but in my legal marketing practice of more than 20 years, I have yet to encounter more than a handful of lawyers who understand, as a practical matter, the fundamental principle of this phrase.

Starting with the widely known statistic that it takes from 7-10 "touches" annually to achieve "top-of-mind awareness", lawyers are well served to develop — often with the support of their legal assistant/marketing or IT department — a consolidated contact list including clients; industry and professional contacts; referral sources; prospects; friends and family; school classmates — law school, college, high school, etc.; co-workers and former co-workers; contacts from former clerkships; association contacts; community contacts; holiday card recipients; and so on.

Though it may be an arduous administrative task to assemble all the business cards, old Rolodexes (yes, I'm showing my age), database printouts, etc., it is important to have all your contacts in one system.

As I often relay to my clients, no list equals no connections, no communications with friends, peers, industry contacts and prospects, and, ultimately, no clients. Remember, we're in the "relationship-building" business, and it becomes much more daunting to foster relationships if we don't proactively get and stay in touch.

While I could outline the precise steps lawyers need to take in assembling, organizing, categorizing and systemizing their contacts, I'll spare the reader the administrative details in this article except to point out that once the task of gathering and entering all your contacts into a central system — even Microsoft Outlook does a decent job of this — is complete, lawyers would be sorely remiss if they did not "categorize" their contact names.

**What does this mean?**

For purposes of communicating regularly with your various constituents (clients, referral sources, prospects, etc.), no one communication message will be of interest to everyone on your contact list. That is to say, if you develop an e-newsletter or legal update on the importance of developing social media policies for the workplace and send it to your human resource clients, that topic may be of little interest to your charitable organization contacts unless they are involved in employment law issues. Basically, you want to tailor your message to an intended audience and there is no better way than to develop "categories" of contacts.

When it comes to knowing how, when and how often to reach out, paramount on most attorneys' minds is that they do not want to be perceived as "too pushy," "aggressive" or otherwise annoying. Understandable. One principle I often convey to my clients is that most people are so involved in their own world, business, family, etc., you are not capturing 100 percent of their attention most of the time. In other words, to adequately "register" on your targets' radar, there must be regular, consistent and persistent "touch points," be they via

e-mail, phone call, face-to-face contact (for which there is no substitute) and social media outlets, just to name a few.

**Check Motivations**

To build and grow a healthy practice, it is imperative to develop a system of getting and staying in touch, but doing so with the appropriate mindset. In short, "It's not about you."

Lawyers often ask me: "What is it that I'm saying to all these people?" Lawyers sometimes say, "I don't want to bother these folks," and express other such sentiments. My response is usually a variation on the theme of reaching out with a helpful orientation and with true intentions of checking in on your contacts' business, seeing how they are making out with a recent transition or starting a new position, or a company move, etc. The universal sowing of seeds of goodwill will ultimately reap only good things. Or, said another way, employing Newton's Laws of Motion, "For every action, there is an equal and opposite reaction." The more "goodwill" you put out, the more it will come back to you ... usually multifold.

**Time Considerations**

Attorneys are very busy people, often logging their time in six-minute increments. Where do they "find" the time to get and stay in touch with everyone and have the oft-needed downtime?

Just today, I explained to a junior partner client that, if addressed productively, his contacts will soon be in his personal network circle. Think about it: We all have certain people with whom we enjoy sharing time. What if those special people could be the same people in your categorized contact lists? How cool would that be? Kill two birds with, well, you know.

For the successful senior attorneys among us, many of you have worked most of your professional careers to create this very scenario. But it didn't happen overnight. It took years, in some cases, one contact at a time. This brings me to my next point.

**Leverage Technology**

In our global Internet age, it has never been easier to "get and stay in contact" with a broad base of contacts via the technological tools available (e.g., LinkedIn, Facebook, Twitter, blogging). Not a technophile? No sweat; there are "people" who make a career of helping clients "connect." One such job title is "certified social media specialist."

**Net-Net**

In the growing competitive legal services arena, cultivating strong relationships is more important than ever before. As a successful lawyer and business owner, you must find a way to get and stay in touch with your desired audiences, targeted constituents and those folks who ultimately can help you grow a healthy practice. It is most easily done by:

- Committing to making it happen.
- Gaining buy-in from your support resources (internal and/or external) so everyone is on the same page.
- Developing a viable and workable system for gathering, categorizing and maintaining contacts on an ongoing basis.
- Scheduling dates/calendar regular communication with your contacts in addition to the other regular "touches."
- Repeat.

*Kimberly Alford Rice is Principal of KLA Marketing Associates (www.klamarketing.net), a business development advisory firm focusing on legal services. As a law marketing authority, Kimberly helps law firms and lawyers develop practical business development and marketing strategies which lead directly to new clients and increased revenues. Additionally, Kimberly provides career management services to lawyers in transition. She may be reached at 609.458.0415 or via email at kimberly@klamarketing.net*





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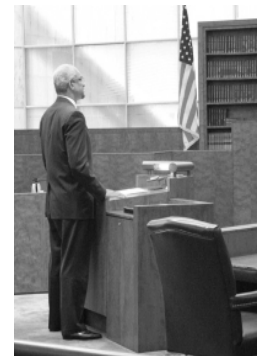
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