



# The Legal Connection

where legal technology & people connect

October 2010

## 10 Rules To Guide Your Tech Decisions

by Attorney Ernie Svenson

1. **Reliability first:** Ideally, the technology you choose should be easy to set up. It should 'just work'.
2. **As Simple As Possible:** A simple tool is usually more reliable than a complex one, so this principle is an extension of Rule #1.
3. **Grab The Low Hanging Fruit** If you find a simple technology that's reliable and doesn't cost that much, pursue it. Perhaps it will take you some time to get used to using it, but that's a small price to pay.
4. **Don't Be A Location Slave** Technology that's useful only if you use it in a certain place is not very useful. You want to focus on technology that lets you work from anywhere.
5. **Embrace the Cloud:** If you want your information to be available to you wherever you are, then you need to embrace the 'cloud.' The 'cloud' is the Internet, and increasingly people are finding that productivity gains require the of storing information on the Internet.
6. **Mobile Devices Are Good:** Once your data is digitized you can easily access and manipulate it with a smartphone or an iPad.
7. **Enable Rapid Shifting:** The notion that people can multi-task (i.e. do two things at once) is open to serious question.
8. **Bigger Is Not Better:** Large law firms, or large organizations of any stripe, used to have a big advantage over smaller firms. Today, the game is 'information processing' and that game does not require large scale capital investment.
9. **Be Platform Independent** I still don't care what kind of computer I use, as long as it gets the job done. You shouldn't care either. A computer is just a tool, and if it works reliably for what you need then keep using that tool
10. **You Can't Avoid Trade-Offs** You can't have it all when it comes to technology; almost everything involves a trade-off.



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**Ernie Svenson** helps lawyers and other professionals get paperless. To download the full .pdf of this article, visit: <http://tinyurl.com/legalva-dwcle>

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Counts



### DON'T IMPULSE BUY YOUR TECH

Plan your tech purchases and you will always get the best deal. Know how you are going to use each piece and all the ancillary costs associated with not only using, but transitioning.

# S-Y-S-T-E-M-S: Save Your Sanity Through Effectively Mapping Stuff



by Legal Virtual Assistant Andrea Cannavina

Hi. I'm a Virtual Assistant. I help attorneys and law firms streamline their tech and processes so they can get more done with less - less time, less resources and less stress. I've been doing this since 2001 and I've helped 100's of lawyers irrespective of their chosen technology. Everyone always asks me "how"? Simple.

## S-Y-S-T-E-M-S

Without systems, I wouldn't be where I am, and some of my clients would not be in business. Everyone is on information overload and the more successful you become, the more stuff you have to keep track of.

David Allen of Getting Things Done fame is big on systems and getting everything out of your head. So am I. Systems remove the need for you to be thinking about how to do something vs. just getting it done.

Not all that you do as a business owner needs to have a thought process. By getting this easy stuff out - written and known - concrete - you free up lots of the gray matter for more important ruminations (you are lawyers after all).

**Systems allow you to go on autopilot.** You don't have to think: "hmmm, what do I do with this?". You already know what to do when you receive the following:

- A check from the client: make photocopy for financial binder, put in spot reserved just for checks until enough gathered to warrant trip to bank.
- A deposit: log checks in register; fill in deposit slip; take to bank; put receipt in receipts folder.
- A client document: scan to digital and place in client electronic folder; add document to the to be filed or to be shredded pile, as necessary - or mail to client.
- E-mail from adversary: copy to client's folder/matter; add time to calendar to call client and respond.

These are all very routine tasks that you wouldn't normally think you need documented steps to accomplish, however, when you are receiving 100's of emails a day, your phone is ringing off the hook, and you're multitasking like crazy - you forget.

Suddenly, you *can't find the checks* because you have stacks of mail all over the place; you recall an e-mail from an adversary on a case, but that was last night when you woke up at 2am and you've now *forgotten* again, and you know you got that signed document, but for the life of you, you can't say where it is.

**By having systems in place to handle the flow of all that you are bombarded with every day, you develop habits.** When you habitually do the same thing, you don't think about it - you just get it done.

As Michael Geber pointed out in *The E-Myth Revisited*, most small business owners are so busy working *IN* their business, they aren't working *ON* it. Rather than creating systems so others can take care of required and repetitive tasks, small business owners think the only solution is to do everything by themselves. This means they end up working longer hours doing less fun tasks. Not really a script for success.

Much better to take a few moments to document each of your business processes - in a step by step format - so you can begin to:

- Get and stay organized
- Streamline your workflow/processes
- Compile an operations manual
- Determine what tasks are best to delegate.

I'm such a fan of systems, I created my own to help me manage email. It's called D-A-F-T (stands for Defer, Act, File Toss) - you can use download a copy directly from my site:

<http://www.legaltypist.com/D-A-F-T>



**\*Andrea Cannavina** is a Legal Virtual Assistant who teaches lawyers and other legal professionals how to upgrade business processes to digital in order to get more done with less - less time, less resources and less stress!



# Procrastination: Eat a What?!

by Business Coach Barbara Nelson

Procrastination is a waste of time. Cut it out. It's not just the time you're spending not doing something, it's the energy you put into procrastination that really impacts your productivity. If you'd like to free up that precious time and energy for something you've been telling yourself you "just don't have time for", all you have to do is make the choice. Not so simple? Voila! I give you the frogs.

Ever heard the old saying that if the first thing you do in the morning it eat a live frog, you'll have the satisfaction of knowing that it's the worst thing you do all day? So it goes with procrastination. Brian Tracy has a great little book called "Eat That Frog"; check it out for 21 tips to stop procrastinating. Let me explain how I use this grizzly metaphor.

Think of the task you're avoiding as a big ugly frog. Know that if you don't "eat" it, it will sit there and get larger and larger with each passing hour. Some frogs multiply over time. Before you know it, there is a whole army, a noisy chorus of frogs. They sit on your shoulders. They get underfoot. Even when you can't see them, they're on your mind. Frogs aren't like wine or cheese. People tell me that even if frogs sit quietly, as they age, they taste more and more terrible as time passes.

Got it? (works best for visual or kinesthetic learners)

Be specific. Identify exactly what you are putting off. Connect to your calendar. If the task doesn't have a deadline, give it one. Decide when to cross it off your list and off your mind. Block time for the work.

Forget it until then.

If the task is a large one, chunk it down and handle each sub-task as a separate task with a deadline.

Create an enticing reward for completing something you're really procrastinating about.

Better yet, choose a spectacular reward for becoming a "procrastination-free zone"!

Overcoming procrastination isn't rocket science.

Just google "stop procrastinating" to find 100's of proven resources and experts to tell you how to do it.

The rocket science is in the doing. Once you've decided not to let any frogs onto your plate, you'll create more time for much more delicious pursuits!



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**Barbara Nelson** helps lawyers and other professionals learn the rocket science of action. For more tips and tools and to learn about her time management and marketing seminars, please visit Barbara's blog at:

<http://www.successfullysolo.com/blog>.



# How Long Do I Have To Keep This Crap?

by CPA+ Tax Attorney, Greg Zbylut



*How long do you have to keep your tax records? Is it really seven years?*

No, not really. But there also isn't a straightforward answer, either.

In general, the IRS has three years from the later of when a return is filed or is due to assess additional tax (remember, filing the return qualifies as an assessment). See 26 USC 6501. After that, the IRS is stuck with whatever tax is shown on the return. Consequently, the IRS has the incentive to move fast to assess additional taxes, which means you should hear from them no more than 18 months after you've filed your return. In 20 years of practice, I have not seen an audit notice more than two years after a return has been filed, but plenty at the 18 month mark.

*So I can toss my 2009 tax records on April 15, 2013 then?*

Not so quick. Many states have longer deadlines, usually four years, though a number have shorter deadlines which mirror the IRS. So, if all is in order, and you're not doing anything funky on your return, you can toss your stuff on April 15, 2014. Or sooner, if your state statute allows.

*What do you mean by 'in general'?*

Well, in certain circumstances, the statute can be extended. For example, you might agree to extend the statute as part of an audit. Amending a tax return refreshes the statute, at least as it applies to new items. The IRS might allege a gross (more than 25%) understatement of income, which extends the statute to six years, instead of three. Or the IRS might allege tax fraud, which removes any statute of limitations entirely. Been filing since 1916? The IRS can go all the way back until then. Finally, the statute is suspended for a period of time (150 days, generally) after a notice of deficiency is issued. So there are a number of exceptions which you need to consider.

*And if I'm not doing anything funky or being audited or amending?*

Check with your state, but you should be free to empty that box in four years, not seven.

That's a relief. I'm sure your closet agrees.



**Greg Zbylut (Zuh-bye-lut)** helps every-day people better understand the tax laws of the United States, how to comply with them and how to defend against them too! To learn more about Greg:

<http://www.gaztaxlaw.com>

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Today I was thinking about suits. Most of my suits are gray, black, navy or brown (at least I always have appropriate funeral attire).

I prefer to wear skirt suits mostly because it's easier to find suits that fit without needing to be tailored. I hate brightly colored suits. I think they look silly. I also hate short sleeve suits - what's the point?

Let me share a few of my clothing tips when it comes to suits:

1. No obvious cleavage, especially if you are bending over.
2. If you are raising your hands up in the air, your belly and/or tramp stamp should not become visible.
3. Have to say it - same goes for bending over!
4. No nylons with peep toes or sadly I have to say it, sandals. All other times - nylons are required.
5. Women should double check the fit of each piece. Good fit is good fit. There should be no bulges or strained outlines.
6. If wearing a skirt, cross your freaking legs! Also, if you sit down and your skirt rides up to your underwear, it's probably not an appropriate skirt for court.

That is all.





# “Limited” Liability and Your Small Business

by Attorney, Ellen Victor

If you are just starting a small business or have a sole proprietorship, you have probably thought about and received advice about either incorporating or forming a limited liability company (LLC). What protections do these business entities actually offer to the small business

## The Promise

You have probably heard that by incorporating or forming an LLC, you, as the owner, will be protected from personal liability, whether through contract (from creditors) or tort (from intentional or negligent wrongful act, injury or damage other than breach of contract).

This is true to a great extent. However, as a small business owner you are probably not totally shielded from personal liability even if you do incorporate or form an LLC.

## The Reality

**Leases:** Commercial landlords will often demand a personal guarantee from the principals or owners of the small business despite business entity status. A lease is a contract between a landlord and a tenant. If you have not been in business for very long or your business assets are limited, you can expect to be asked to personally guarantee a lease. Your spouse may also be asked for a personal guarantee. Depending on how long you have been in business or how in demand the property is, this may be a negotiable point. You might want to contact a business attorney to review and negotiate your commercial lease.

## Loans:

**Bank loans.** Whether you need a loan to finance inventory or to expand, a lender may require you put up your personal property as collateral. Even if your business were to dissolve, you would remain personally liable for paying back the loan. However, depending on the business' creditworthiness, this too is open to negotiation.

**Small Business Administration loans.** The SBA requires that all loans they guarantee must be collateralized with both the business assets and a personal guarantee. Often you may need to take out a second (or third) mortgage on your home. Nevertheless, SBA loans often have excellent terms.

**Credit Cards:** Most business credit card issuers will not approve a business application unless the owner personally agrees to be liable for any debt incurred. Take note that any default on your business card will impact your personal credit. After several years of being established, you may want to ask the issuer to allow you to separate your business and personal liability.

## Torts:

**Your own acts.** Corporate/LLC formation provides protection for corporate acts; it may not provide protection for your own acts. Even if you are acting for the corporation, if you are negligent you are potentially personally liable. You can't commit intentional wrongdoing even in the guise of your corporate self. You can't embezzle, defraud or assault someone.

**Your employees' acts.** Although in theory, the corporation or LLC should shield your personal assets from your employees' bad acts, in reality, if the act is egregious enough you are likely to be brought into the lawsuit. Negligent hiring, failure to ensure the person you sent on an errand has a clean driving record, or negligently maintaining your property are just some of the ways you personally can be brought into litigation, even though you're incorporated. This doesn't necessarily mean you will lose the lawsuit, however, even good defenses cost money.

**Taxes:** You can be held personally liable if the corporation neglects to pay over to the IRS the employees' share of withholding and social security taxes. Many states also will hold corporations personally liable for failure to turn over retail sales taxes due from the corporation.

## The Solution

Despite some pitfalls and incomplete protection, it is still worthwhile to either incorporate or form an LLC. Business formation will protect your personal assets to a great extent. The longer your business exists, the more creditworthiness your business can show, the better your bargaining power will be with landlords, credit card companies and lenders.

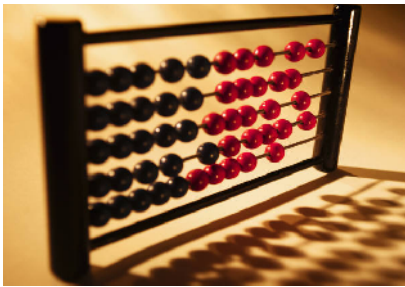
**Insurance:** It is a good idea to ensure you have sufficient personal insurance coverage on your assets to cover any business liability. Consider buying an umbrella policy for your cars and home. Insuring your business is also a necessity. Should you get sued, the insurance company will defend you, pay for your attorney and pay up to policy limits.



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**Ellen Victor, Esq** focuses on all aspects of business and estate planning including wills and trusts; business and non-profit formation; asset protection; elder law and long-term care planning; special needs planning; and related practice areas.

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# In Support of Low Tech

by Legal IT guy, Ben Schorr

Sometimes the old tech is the best tech. In the world of input devices the trend has swung dramatically towards wireless and Bluetooth. Wander into a Best Buy and it can be hard to even find much of a selection of wired keyboards or mice - even though just a few years ago that's predominantly what we used.

Don't get me wrong, in the right environment a good Bluetooth keyboard or mouse can be a great solution. But after spending a couple of years with a wireless solution on my desk I've reverted to a good ole wired keyboard and mouse. Why?

## Reliability

Wireless devices are subject to interference. Wireless devices have a limited range that isn't always obvious. Wireless devices are battery powered and as the batteries get weaker they continue to work but sometimes start to work poorly. You may suffer through hours, days or even weeks of increasingly poor keyboard/mouse performance before you think to change the batteries or charge the device. And when the batteries do fail they invariably fail at the wrong time...when you're halfway through a time-sensitive document or e-mail and your kids just took the last of the AA batteries for their remote controlled car.

## Batteries

Speaking of those batteries...there are two kinds of battery solutions for your wireless devices: disposable or rechargeable.

Rechargeable batteries are better for the planet and arguably less expensive over the long term, but unless you have a spare set around (and fully charged) you may find yourself cooling your heels while your batteries recharge. And over time rechargeable batteries tend to lose their charge, meaning less and less time between recharging. If you have a mobile phone or digital camera you may have noticed that behavior - over time you find yourself looking for an outlet to plug into more and more often.

And some devices have rechargeable batteries that aren't user swappable - in other words you have to put your mouse in the little charging station to get it recharged, you can't just pop open the door on the bottom of the mouse and swap out the batteries.

Disposable batteries resolve that issue, they're easy to get, and you can keep a supply of them in the fridge so you're always ready to swap, but mountains of nearly dead disposable batteries are a disaster for our planet. And the cost of those batteries is a steady budget item you'd probably rather not have.

## The Couch Factor

Believe it or not when it comes to my laptop and netbook I prefer to work with a portable mouse that has a cord because in cramped quarters I tend to be a bit of a klutz and it's nice to not

have to chase my dropped mouse under the couch or dig around in the couch cushions for it. Having that little USB tether makes it a lot easier to keep track of my little device.

## So What Do I Use?

**On my desk** my preference is for the [Microsoft Office Keyboard](#) but unfortunately, and inexplicably, that keyboard has been discontinued by Microsoft and doesn't work properly in Vista or Windows 7. So I use a fairly generic USB keyboard with additional buttons that let me control the volume of my speakers, launch my browser or e-mail client, launch my calculator, etc. It's inexpensive, reliable, durable and does just what I need it to do day in and day out, without ever having to replace batteries or re-associate with it's wireless dongle.

**My desktop mouse** was a trickier choice. I wanted one with programmable side buttons because I like to customize my mouse functionality (my thumb button is programmed for "Back" for example; my wheel button is programmed for "Delete" in Outlook). But I didn't want another wireless mouse and that's what nearly all of them are these days. So from my few choices I got lucky when I selected the [Logitech M500 Corded mouse](#). It has the programmable buttons I like plus a nifty scroll wheel that switches from a fast scroll to a precision scroll mode. It's accurate, reliable, no batteries...exactly what I want in a mouse.

For my **portable mouse** I use a [Belkin USB mouse](#) with a retractable cord. It's compact, light, requires no batteries, fits nicely in the hand, has a scroll wheel and has been very durable. And it's under \$10. Seriously, I probably spent more than that just on batteries for my wireless mice.

Now in honesty I DO still have a [Microsoft Bluetooth mouse](#) that I use when I'm going to do a presentation somewhere. I tend to like to walk around when I present and having the Bluetooth mouse makes it easier for me to continue to advance my slides/present without being tied 36 inches from my netbook.

The tools you use to interact with your computer are important. Whatever you choose, put a little thought into it. You'll be amazed how much of a difference the right keyboard/mouse can make in your computing experience which can translate to more productivity and effectiveness.



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**Ben Schorr** is a legal IT consultant, Microsoft MVP and newlywed. Ben recently relocated from Hawaii to Arizona and maintains a business presence in both states.

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## Top 10 Superheroes That Need A Slap

10. Green Arrow: Shave, you look like an idiot. How can people not pick up on the that douchie VanDyke? And seriously, trick arrows--you need 3-4: a regular point, a blunt point, an explosive one, and maybe. . . maybe, a net. No more boxing glove arrows, they'd take up way too much room in the quiver.

9. Hawkeye: Same arrow thing as Green Arrow, and same rip-off problem as Mr Fantastic. Thats a lot of fail to fit into his blue and purple tights. Sure, few superhero costumes would really look good, but come on. . . blue and purple?

8. X-Men: All of them. They have incredible superpowers but constantly whine because people don't like mutants. Oh, and they live in a mansion. What's not to hate?

7. The Thing: You're super strong and almost invulnerable. You've repeatedly saved the world, but all you do is whine about how girls don't like you because you're orange and rocky. In real life you'd be getting super models like all superheroes. Shut up.

6. Robin: Batman is dark, brooding, calculating, and overall the biggest badass that the world will ever know. Robin is a tool that looks like what one would vomit after drinking a mixed 6 pack of Four Loko.

5. Mr Fantastic: You stretch, that's not fantastic. Either Mr Polymeric Hydrocarbon man or Mr Rip-off of Plastic Man would be more accurate.

4. The Martian Manhunter: His name is J'onn J'onzz, pronounced John Jones, really. Also, his horrible weakness--fire. Yeah, he's as powerful as Superman, but can't go to the annual Justice League BBQ and bonfire.

3. Spiderman: The thing with Aunt May is just creepy.

2. Hulk: Dear Bruce, here's some Xanax. Now stop breaking shit. Thanks

1. Superman: If he really existed, he'd be hailed as a god, but in the comics he's content with just being a nice guy. Also, he such amazing powers and the overwhelming urge to help people. . . but he still spends 8-12 hours a day at work, then he comes home to Lois--spends some time with her, then skips out do some some hero stuff. It's not like he needs the job, he'd just rather do that than dig out Chilean miners.




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**Steve O'Donnell** protects ideas. Based in Lancaster, PA, Steve's practice focuses on helping clients protect their ideas and intellectual property through the use of patents, copyrights and trademarks..

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# The Legal Connection

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## Legal Events Calendar

		November 2010
<b>Tue Nov 2, 2010</b>	All day 12pm – 1pm 1pm – 2:30pm	<a href="#">Election Day</a> <a href="#">Billing: Beyond the Basics</a> - Clio Webinar <a href="#">Lawyer Websites: Ethical Traps and How to Avoid Them</a> - ABA Webinar
<b>Sun Nov 7, 2010</b>	All day	<a href="#">Daylight Saving Time Ends</a>
<b>Tue Nov 9, 2010</b>	1pm – 2pm 12pm – 1pm	<a href="#">Powerful Writing Techniques to Help You Persuade Judges and Win Clients</a> - OLP Webinar <a href="#">Documents &amp; Communications: Getting the Most Out of Clio's Correspondence Tracking Features</a> - Clio Webinar ☰
<b>Thu Nov 11, 2010</b>	All day All day	<a href="#">MILofest</a> - Orlando, Florida ☰ <a href="#">Veterans Day</a>
<b>Fri Nov 12, 2010</b>	All day	<a href="#">MILofest</a> - Orlando, Florida ☰
<b>Sat Nov 13, 2010</b>	All day	<a href="#">MILofest</a> - Orlando, Florida ☰
<b>Tue Nov 16, 2010</b>	12pm – 1pm	<a href="#">Web Technology: A Review of SaaS and the Tools You Can Use To Get The Most Out of Clio</a> - Clio Webinar ☰
<b>Tue Nov 23, 2010</b>	12pm – 1pm	<a href="#">Intake to Invoicing: Using Clio in everyday practice</a> - Clio Webinar
<b>Thu Nov 25, 2010</b>	All day	<a href="#">Thanksgiving</a>
<b>Tue Nov 30, 2010</b>	12pm – 1pm	<a href="#">Balancing Act: Integration between Clio and Quickbooks</a> - Clio Webinar ☰

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