COMMUNICATIONS WITHOUT FEAR
PRESIDENT’S PAGES AND SOCIAL MEDIA
President's Page

Know Your Audience
Talk about what you know

“He who fails to plan is planning to fail…”

- Winston Churchill
20/20 Vision for the Future

It was almost 50 years ago—October of 1965—when I started my career as a Missouri lawyer. After wresting over the decision of job offers in Kansas City and St. Louis, I accepted a job with the largest firm at the Lake of the Ozarks, in Camden County—Phillips, McEwen, Walter & Carpenter, P.C.—and became part of five-attorney firm. They gave me my start, and introduced me to not only the practice of law, but also to service to the profession and the people of our state.

Within a few months of being sworn in by Missouri Supreme Court Chief Justice Andrew Jackson Higgins, one of the partners in the firm, John Waller (a former member of the Young Lawyers’ Section Council and the Board of Governors of the Missouri Bar) steered me toward an election for an open seat on the Young Lawyers’ Council. From that day forward, I have spent a significant amount of my career serving the Bar and the citizens of our state, and encouraging others to do the same.

I am so excited about the privilege and opportunity to serve my fellow lawyers as president of our great Bar. I really don’t feel that old, but my reflection on the practice is certainly beginning to date me. I hope my experiences during the past year and the institutional knowledge I have gained, will be beneficial to our great organization.

When I started practicing law, our firm had CPT word processors. There were no computers, no fax machines, and no cell phones. When fax machines were first brought into use, our firm decided we did not need one—“it’s real-world”—and would only force us to address problems faster and without an opportunity to carefully consider our advice. And besides, if it really became necessary, we could borrow the busy fax machine up the street.

How times and our profession have changed. In those early days of my career, a library full of books was a necessity, and it came at quite a cost. But the cost of a library was one element of earlier practice that caused lawyers to stick together in firms, which in turn helped to foster camaraderie and

Another thing that is changing is the speed at which clients expect or need results. I once heard an older lawyer say, in response to a client who was anxious to have his work completed quickly, “there was good, fast, and cheap, and the client should pick two.” With that said, our profession finds itself in challenging times. The LegalZooms and the Avocel of the world appear to be here to stay. Accordingly, in an effort to meet clients’ expectations, we often find ourselves striving to deliver all three—good, fast, and cheap. My hope is to help guide our Bar through these challenging times, to make a positive difference in our state, and to do what can be done to improve and modernize our system of justice.

I am working with the other officers of the Bar, the Board of Governors, and our tremendous Missouri Bar staff on what we refer to as our “20/20 Vision for the Future.” This is, in essence, a five-year plan. In five years, we will be in the year 2020 and hence the term “20/20 Vision.”

There are three areas in particular where I hope to make a difference in this coming year: 1) improving access to justice; 2) modernizing our courts with adequate funding and case specific resources; and 3) modernizing our profession.

Improving Access to Justice:
In this area, one of the obvious focal points will be on municipal court reform. My predecessor as president, Rebecca Shelton, and Associate Circuit Judge Karl DeMano from Scotland County—(who is also the municipal judge in Memphis, Missouri) are serving as the Bar’s advocates on the Supreme Court of Missouri’s Working Group on Municipal Court Reform. I envision the Missouri Bar continuing to provide resources and information to the Missouri General Assembly to assist with the pressing changes that will affect our justice system, citizens, and state resources.

Embracing Change

Four weeks in and it’s time for the next “President’s Page.” Although I have been involved with Bar work since my career began, I feel a little naif as I learn this responsibility is even greater than I envisioned. However, it has been even more fun and exciting than I imagined as well. Basically, being President of the Missouri Bar is, in my mind, the best job in the legal profession. Time is flying by and I’m afraid this new job (as with so many things in life as we get older) will be over before I turn around. I am so very much enjoying the work and privilege.

Throughout my 30-year career, Bar service has been a part of my life. I now find myself reminiscing over the past, considering the changes, and cautiously looking forward to the future. One of the newest changes is the closing of The Missouri Bar’s print shop. For as long as I can remember, the Bar has always printed all of its own publications. Like so many things in life, it has become much more to outsource this part of our benefit in the end we will be able to produce a better product for less money, which will allow us to further stretch our resources.

We are in the process of consolidating some of the regular articles that appeared in other Missouri Bar publications into a new and improved Journal of The Missouri Bar. As part of this process, we also recently made the decision to cease publication of our quarterly publication, President. President was created in 2007 to foster a membership-oriented publication that offered an alternative to the more substantive legal articles found in the Journal.

Approximately 7,000 of our members have been receiving President, so we are looking to find a way to use them into the Journal of The Missouri Bar, which all Missouri lawyers receive six times each year.

In addition, outsourcing the Journal will allow us to redesign the publication, which will include higher quality glossy paper and full color. Further, the substantive content that will continue to be featured in the Journal will now include articles that highlight practice management, member benefits, trends in the profession and more providing a more well-rounded publication. We believe the result will be a publication in which most members will find something of interest.

As mentioned, the new content will include some articles previously found in President, including Professor Douglas Abrams’ “Writing it Right” column, an ethics column from OCDC, and a column from our executive director. Combining the more popular articles from President into the Journal will not only result in a more robust publication, but will save a considerable amount of money while producing a better quality product.

One of the collateral reasons driving the decision to outsource our publications is the recent retirement of Dan Lehmen. Dan’s primary job at the Bar was, in essence, as CFO. He managed our finances and was the person who prepared our budget each year. However, like virtually every one of our bar staff, Dan had more than one job. He was also responsible for our print shop and its publications. Dan had a unique and rare skill set that included anticipating future printing needs and abilities to repurpose and repurpose old machines as they would last past their normal life spans. Due, in part, of our retired staff members, our

THE PRESIDENT’S PAGE
JUSTICE UNDERFUNDED IS JUSTICE DENIED

By: Erik Bergmanis

IN 1963, IN THE MIDST OF THE TUMUL-TUOUS CIVIL RIGHTS MOVEMENT, DR. MARTIN LUTHER KING, JR. — A MAN WHO KNEW MORE THAN MOST ABOUT OUR NATION'S JUSTICE SYSTEM — MADE A SIMPLE BUT POWERFUL STATEMENT: "INJUSTICE ANYWHERE IS A THREAT TO JUSTICE EVERYWHERE."

Everyone recognizes the implicit truth in Dr. King's words, but we lawyers should feel especially cognizant of their meaning. We are the guardians of the justice system. By virtue of the oath we took, it is our responsibility to ensure that our justice system works on behalf of citizens both weak and strong. Without their faith in the rule of law and a well-run judicial system, there is anarchy.

In my first "President's Page" in the September-October 2015 issue of the Journal, I identified enhanced funding for our state's judicial system as one of the paramount goals for my term as president of the state bar. In that column, I particularly noted the inadequacy of many rural courts to handle complex litigation cases due to a lack of resources.

But it's not just complex matters that strain our state's judiciary. A recent case from the 36th Judicial Circuit illustrates the issue. In this case — which has received widespread media attention — a criminal defendant who had been incarcerated for six years while awaiting trial, and who had early in the proceedings requested a "speedy trial," obtained a dismissal of the charges with prejudice because his case had not yet made it to trial.

"How could such a situation come to pass?" one might ask. While I am by no means an authority on the case, my own research indicates that this outcome resulted from what I will call dismissal was issued.

When word of the dismissal was released, there was immediate public outcry and, as I mentioned, extensive media coverage of the matter. The nature of the crime committed — the horrifically violent rape of an infant child — added to the public emotion and inflamed public outrage.

My point in mentioning this case is not to take sides or to opine as to who was right or who was wrong. That is a matter for our courts to address and, indeed, the issue of the dismissal of the case in question has been appealed to the Court of Appeals.

Rather, my point is that this case illustrates the consequences of a judicial system that is inadequately funded, resulting in too few judges where they are needed, inadequate staff, and insufficient resources. When there is a lack of judicial resources and judges are overburdened to the point that gestures, visiting volunteer judges are needed to move dockets and cases, public frustration is understandable.

For example, the 20th Judicial Circuit has two circuit judges for five counties stretching from Montour County to Laclede County. It is next to impossible for a circuit judge from that circuit to hear a case that lasts more than one week. What happens when a complex litigation matter — something becoming increasingly common in rural Missouri — is filed in one of those counties?

Make no mistake, more and more of these large, complex matters are being filed in rural Missouri circuits — probably as a result of the venue rule changes made in 2005. There is a lesson here for policymakers to bear in mind as they weigh legislative actions: the future impact of unforeseen consequences, including the cost of additional burdens on our judicial system and the limits it places on access to justice.

But it isn't just the judicial process that is affected by inadequate funding of our courts. Our state constitution provides that "the courts of justice shall be open to every person," and in some instances, our physical court facilities are inadequate to meet this commitment. I am aware of at least one courthouse where a lawyer in a wheelchair cannot access the only courtroom in the county, which is located on the second floor of a courthouse.
"Ferguson United"

Lawyers, many years from now, might chance upon this column and wonder what prompted the President of the Missouri Bar to discuss the activities of a small St. Louis suburban community of 21,000 residents and roughly 6 square miles. Future generations will likely question the importance of what happened in a wonderfully quaint Missouri town that is prototypal Norman Rockwell and known for its popular delicatessen created in a former train station. Our future historians might think, “Tragedies occur. So what? They happen everywhere.” What is so special about this place?

The importance of Ferguson, Missouri is simple. What happened here in August 2014 is transformative and has the potential to change, in part, our nation’s judicial system forever. What happened in Ferguson has ignited a debate that is born from tragedy and sorrow but could lead to phenomenonally positive cooperation and unity – now and for future generations.

On August 9, 2014, Ferguson police officer Darren Wilson fatally shot Michael Brown. Officer Wilson is white. Michael Brown was black. That event sparked a fortnight of protest and claims of racial insensitivity and discrimination. The uproar later continued when a grand jury failed to indict Officer Wilson of a crime.

Let me first offer my sincere sympathies to the families of Michael Brown and Officer Wilson. My family has been on both sides of that fence, and those families are suffering a horrible nightmare and emotional upheaval unimaginable to those who have not experienced the actual or effective loss of a loved one, especially under these circumstances. My heart also goes out to the citizens of Ferguson and surrounding communities who were the unfortunate, innocent victims of the violence and looting that resulted when opportunists took advantage of the situation and ruined businesses and lives.

Very smart, fair-minded people have taken positions on both sides of this issue. Valued members of our great bar association have strongly opposing opinions about what happened with the grand jury process. The debate will surely continue – and that is fine as long as it is conducted in such a way that leads to positive needed change and does not bog down the discussion with accusations and innuendo that furthers nothing but finger-pointing and distrust.

But I am encouraged by the cross-sectional unity born from these unfortunate events. Groups that do not normally share the same space have teamed to restore neighborhoods and help residents bounce back. Previously unaddressed civic issues are now on the table.

Collateral issues, such as municipal court reforms, were brought to light in the wake of Ferguson. Several municipalities such as the City of St. Louis have made changes and state legislators have introduced bills to reform a system that often punishes citizens in a race of relentless fines and penalties resulting from a simple traffic violation. Professors at the Saint Louis University School of Law and others are leading this charge and I applaud their efforts.

The corporate community, including Monsanto Company, Emerson Electric, and Boeing, has infused financial resources to help businesses recover. The Missouri Secretary of State is promoting forgivable loans to small companies seeking to restart. Community organizations such as the Urban League, Red Cross, United Way and Better Family Life have combined as a formidable force to help the community rebuild. This type of cooperation is unprecedented but is truly an impressive display of corporate teamwork and community spirit.

But nowhere has the Ferguson outreach been more visible.

My Brothers' Keeper

A question that has resided in our psyche for hundreds of years was first posed in the Bible when God asked Cain the whereabouts of his brother Abel. Cain responded, “I don’t know. Am I my brother’s keeper?” (Genesis 4:9)

As lawyers, we too often have occasion to ask that question as several of our brethren have chosen to end their lives. Unfortunately, on February 26, 2015, former bar member and Missouri State Auditor Tom Schweich gave us reason to revisit this question.

Are we our brothers’ keepers? I believe we are.

Anne Chambers, LCSW, very ably serves as the director of the Missouri Lawyers’ Assistance Program (MLAP). Anne wrote a compelling article, “Depression in the Legal Profession,” that quotes Missouri Supreme Court Judge Paul Wilson. Excerpts from Anne’s article are below:

By Anne Chambers:

In January 2014, several articles brought concerns about depression and suicide in members of the legal profession to the national spotlight. In a CNN article entitled, “Lawyers Killing the Ones They Love and Causing Them to Feel More Alone,” [the authors] noted that lawyers “rank fourth in the proportion of suicides by profession.” [Another article] noted that “according to age-adjusted information provided to CNN by the Centers for Disease Control and Prevention, professions with the most suicides are:

1. Dentists
2. Pharmacists
3. Physicians
4. Lawyers
5. Engineers.”

Patrick Kuhl, attorney and director of the Legal Professionals Program at Vandeventer Burton Treatment Center, responded to the CNN article with an opinion piece. He noted suicide is the third leading cause of death in the profession versus the 10th leading cause of death in the general population. He referred to “significantly heightened rates of depression and substance abuse” in the legal profession as a concern, indicating that “while not all people who are depressed commit suicide, a majority of those who commit suicide are depressed. Similarly, people who struggle with substance abuse are about six times more likely to kill themselves.”

The architecture of depression contains some cruel elements, including feelings of helplessness, hopelessness and worthlessness. It generates the impression that things are bad, will only get worse, or at least not get better, and that not much can be done about it. Depression can darken thinking, suggesting to its victims that if you get help or let others know the depth of your concerns, perhaps others will think badly of you instead of offering support. The negative thought spiral is generated by the depression, serving to isolate the victim from reaching out and sharing his or her feelings with others. Depression does not go away on its own, and has nothing to do with weakness or lack of willpower. Those impacted often suffer in silence.

The truth is that most people who seek assistance for depression start to feel better in a matter of weeks. Reaching out for help from a doctor, counselor or other is an act of hope. Treatment can be game changing, and sometimes life saving. The American Foundation for Suicide Prevention’s website at www.afsp.org provides information on prevention, warning signs, risk factors and what to do when you suspect
Be Creative
(working with your editor)

SAN DIEGO COUNTY BAR ASSOCIATION

Check out these numbers...

While the legal community continues to work towards diversifying the profession across the US, the statistics on these two pages show there is still a long way to go in the definition of diversity evolves, we must create and implement new ways to increase inclusion in our profession. Read on through this issue as we explore this idea, and as we highlight some of the SDCA's diversity and inclusion efforts.

Gender

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Sexual Orientation

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LAW SCHOOLS

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Attorneys Self-Identifying as Gay/Lesbian/Bisexual/Transgender

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Race & Ethnicity

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Legislature

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<td>102</td>
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Sources:

- Sources: Federal Judicial Center, Minority Report, Judicial Council of California Administrative Office of the Courts
- Source: Congressional Research Service, Roster of the 113th Congress, Part II
7 Tips for Success, Not Stress, with President’s Pages

Strategies for making the most of your bully pulpit.

The prospect of writing a president’s page strikes fear in many a bar leader’s heart. Well, fear not. The following strategies, packaged in a user-friendly president’s page format, are designed to put you at ease and help you succeed.

1. Make it an opportunity, not an obligation
   If your bar culture allows it, liberate yourself to write only when you have something to say. When you do, your president’s page is your bully pulpit. When you don’t? Use your time and talent more productively: make that decision well in advance so your bar publications staff can comfortably adjust.

We’re awash in messages. Drowning, even. If you’re a good scribbled communiquee – and many bar leaders are – make your president’s page a centerpiece of your communications strategy. If longer-form writing isn’t your strong suit, use your page sparingly and communicate in other ways. We’ve had great presidents at our bar who wrote just three or four pages. Trust me, no one remembers them as the presidents who didn’t write a page every month.

2. Plan, plan, plan
   That way you won’t be anxious, anxious, anxious. You’ll be confronted with some surprises during your presidency, but your page is not one. You know when it’s coming. Don’t make it an unforcedariance.

Brainstorm topics early. You can even come up with potential topics on the flight home from BLI. I say “potential” because you’ll also want to respond to events and speak in the moment. But consider assigning a topic early for every page you intend to write. You can snap in a new idea later, but at least you’ll have something in your quiver.

3. Need ideas? Start your topic-generating engine
   A little help from your friends. You can use your column to promote bar projects or initiatives. Ask the stakeholders – section and committee chairs, for example – to help you help them. (Don’t promise them you’ll use what they send, of course.) If you’re lucky, they might even send you an outline or draft to get you started.

Careful, though. In my experience, the best pages resonance with rank-and-file members, not just leaders. Be sure to reach out to colleagues, opposing counsel, and other lawyers of your acquaintance. What’s keeping them up at night? Writing mostly for and about fellow bar leaders is a great way to guarantee a small readership. Try to picture someone you know: someone who isn’t a bar leader and doesn’t aspire to be – and speak to him or her as you write.

Stealing is the sincerest form of flattery: Google around and find other bar publications and their president’s pages. The Division for Bar Services has a big archive of other presidents’ work at http://www.americambars.org/groups/presidents/

4. Be conversational
   You’re writing a column, not a law-review article. Don’t be stuffy. That doesn’t mean you have to be folksy if that isn’t your style. But make sure we can hear a human voice. Try reading your page aloud to see if it sounds natural. If it’s hard to read – if the sentences are too long or dense, for example – revise it until it rolls off your tongue.

5. Write a one-pager
   Try to keep it president’s page to an actual page in your journal (find out your word limit from bar staff). That way readers won’t have to jump pages to read the whole thing. Because most of them won’t jump, and some of them will quit reading as soon as they see a jump coming.

6. Bond with bar staff
   Meet deadlines. Remember that you’re probably holding up production on an entire publication, not just your page. Be open to at least light editing. And maybe heavy editing. Every publication has a style that governs, e.g., when and whether to capitalize. It’s minimum.
1. Listen

2. Be where your audience is
3. Be human

4. Be consistent
MIKE UNGER  
Minneapolis, MN  
President, Minnesota State Bar Association  
@MNBar

FARRAH FITZ  
Jefferson City, MO  
Media Relations Director, The Missouri Bar  
@MoBarNews  
@FarrahFite
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Calendar your deadlines. Don’t know what they are? Find out. Note the lag time between deadline and publication – if your April page is due in late February, think spring flowers when you write, not dirty snow.

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4. Communicate your passion

Write about something that matters to you and your enthusiasm will be infectious. When John Locallo was president of the Illinois State Bar Association a few years ago, he wrote about his social-media journey of discovery – learning to tweet, setting up a LinkedIn account, mastering Hootsuite. His columns were fun to read and full of helpful pointers, and they furthered one of his presidential goals – to help small-firm lawyers understand the transformative power of technology.

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