

# GP | Solo

ABA General Practice, Solo & Small Firm Division

## New Lawyer

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*The world is a dangerous place. Not because of the people who are evil; but because of the people who don't do anything about it.*

—Albert Einstein (German-born American physicist who developed the special and general theories of relativity. Nobel Prize for Physics in 1921)

### **Practice Tip**

One of the most effective communication tools you can use in writing and speaking are emotional word pictures.



### [Advocational Vocab](#)

To be taken seriously, check your vocabulary on our vocab page, then test your colleagues. Check it out.

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### [Legal Trivia](#)

What justice of the Supreme Court of the United States had two best-selling books condensed by *Reader's Digest*?

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### Maximizing MCLE

By Kirby D. Hopkins

Death, taxes, and CLE are three certainties in the life of the practicing lawyer. Experienced lawyers can argue endlessly over which of the three is the most inconvenient. Simply put, the yearly double-digit minimum continuing legal education requirement in CLE mandatory states cannot be avoided, unlike an uncomfortable phone call. The annual deadline for completion of the requirement leaves many lawyers scrambling to meet the minimum number of educational hours required by their state bars. As the day of reckoning approaches, ever-elusive ethics hours become hot commodities. And, amazingly, self-study hours increase exponentially nationwide in a matter of days.



In meeting the minimum, a young solo or small-firm lawyer can be overwhelmed by the multitude of CLE programs available locally and nationally by various vendors and organizations. For better or worse, the least expensive and most convenient options can often determine CLE selection. For young lawyers with crammed calendars and tight budgets, a better and more informed decision can be made much easier with a little research and some forethought.

CLE programs can be categorized in many ways, but for the most part they fall into one of three types: substantive reviews, practicums, or recurring events. Substantive reviews of particular areas of the law are often called institutes or conferences. Most substantive reviews include introductory, nuts-and-bolts material for young lawyers in addition to more advanced material. If an appealing CLE does not cover the basics, consider brushing up on the area of law before attending. Aside

from honing in on interesting area in their field, young lawyers should research the program as they would when choosing between classes in law school. Important factors in this research include the various topics to be covered, the faculty, and the intended audience. For instance, the size and age of the audience can help or hinder networking opportunities. Researching the faculty is particularly important. CLE faculty should have good reputations, as well as be organized and efficient speakers. Ask around or look online if there are any doubts. Don't be afraid to ask for reimbursement if a featured faculty member is substituted at the last moment. The program's environment should also be taken in account. One lawyer may get more out of a small classroom environment with free-flowing interaction between the CLE faculty and attendees, while another may learn more by taking exhaustive notes in the anonymity of a large auditorium.

Practicums are often described as workshops or advocacy seminars, which usually involve sessions focused on training and strategy. Practicums include topics regarding communication, negotiation, leadership, business development, and pro bono work. Successful practitioners often teach these programs, rather than law school faculty. Again, research is important, as the practitioners should inform and instruct, as well as inspire action on the methods taught. These programs often utilize paired or group exercises intended to make the ideas expressed more concrete. Practicums regarding pro bono work offer benefits especially helpful to young lawyers. First, the fees are less than most other programs and are usually waived if the attendee commits to take a case within a certain amount of time, e.g., one case in a year or even one case every year. Second, the practical experience gained from the subsequent pro bono work is immeasurable.

Recurring events are often organized by respective state, city, or county bar associations. Monthly section meetings featuring speakers or a panel over breakfast or lunch are examples. These shorter programs allow young lawyers to target specific issues within an area of law. Such programs recur throughout the year, usually attract a more manageable audience size, and offer opportunities for continuity and networking that may not be as available at other programs. Lawyers will almost fill their yearly requirements if they attend one of these recurring one or two-hour CLE events a month. If convenience is a big concern, the ABA offers a few monthly online CLE events for free, e.g., the *ABA Journal's* ABA Connection Teleconference CLE and the ABA Section of Business Law's *Business Law Today* (BLT) Live Teleconference and Live Audio Webcast (complimentary for the first 250 registrants who are members of the section). These programs serve as alternative options for young solos and small firm lawyers who don't have the time or money to knock out yearly CLE hours with a costly two- or three-day long program.

The reality is that CLE programs range in cost from zero to sixty dollars per hour. The bill for a day or two of CLE with travel runs from the hundreds and into the thousands. Fortunately there are ways to defray the expense of CLE. Eliminating the travel is good start, but this may also eliminate the most appealing programs. Young solo and small-firm lawyers can apply for full and partial scholarships for many programs sponsored by the ABA. New lawyers may also receive discounted rates for programs sponsored by their state bars. In addition, programs sponsored by young lawyer associations are usually less expensive than other comparable programs.

CLE programs should be a break from the everyday work schedule, not a hassle. By utilizing this information, a young solo or small firm attorney can aim to reduce the stress on their schedule and budget sometimes caused by this professional obligation.

***Kirby D. Hopkins is an associate with Drucker, Rutledge & Smith, L.L.P., with offices in Houston and The Woodlands, Texas. He practices in the areas of business litigation and appellate law, concentrating on banking. He begins his term on the board of directors of the Houston Young Lawyers Association this May. He may be reached at [hopkins@drs-llp.com](mailto:hopkins@drs-llp.com).***

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### James M. Durant III

By Amy Lin Meyerson

Have you ever met a person who can make you feel at ease whether you are speaking to him one-on-one or with a large group of people? Lieutenant Colonel James M. Durant III is such a person. He connects with people. This skill of his has served him well over the years.



James is a deputy staff judge advocate with the United States Air Force Judge Advocate General's Corps. His numerous accomplishments include being the youngest and first military active duty chair of an ABA standing committee (SCAFL), a Distinguished Graduate Air Force ROTC, Howard University (top one percent of ROTC grads), an ABA YLD Fellow, an ABA TIPS 2000 Leadership Class member, an ABA/YLD Outstanding Young Military Lawyer for the Air Force, and a GPSSFS Diversity Scholar (the inaugural class). He is the recipient of a GPSSFS Difference Maker Award, a Howard University Outstanding Intern Award, and several military achievement certificates and medals (including the two Defense Meritorious Service Medals).

In addition to being a member of the American Bar Association, James actively participates in the National Bar Association and the Tuskegee Airmen Incorporated that has 48 chapters throughout the world.

James's vision for the Division is to (1) continue our remarkable membership growth, (2) continue

to secure large commercial sponsorship, (3) continue to provide the absolute best membership products, and (4) cultivate and grow new bar leaders to continue our successful record of achievement.

James states:

Regarding membership, I recognize this area as one of the most critical areas affecting the viability of the GPSSF Division—bar none! Our membership is the life blood of all we do, and it will be my priority to continue to grow this Division. We have tremendous people working membership, and, if elected, I intend to motivate those I appoint to continue focus on new ways to increase our membership totals. We are doing extraordinarily well under the careful hands of Jennifer Rymell—she has paved the road for continued membership success through a number of endeavors. I know this personally. If elected, we will continue those programs that work, scrap those programs that have failed, and devise/implement new membership ideas and concepts.

On the topic of commercial sponsorship, it almost goes hand in hand with membership. Having the capital to fuel our programs is a priority—funding is also the life blood of our Division. Under the vigilant stewardship of Alan Olson, we are in good financial shape. Alan's unwavering commitment to our Division has ensured our future success for years to come. I am committed to following Alan's recipe for financial stability.

As far as membership services are concerned, I think about the great products we already deliver and those directly responsible for making it happen. We certainly have talented thinking individuals, and I fully intend to pull out of them their best efforts to produce new membership products and benefits. Through focused membership products discussions, I plan to continue to grow in this area with new and innovative products and services. Through member services, such as our Solo Day, we can hit two birds with the same stone—delivery of member services and new member recruitment—especially new bar leaders. I will also focus on improving our *GPSolo* magazine—with a 30,000 plus membership base, this one product is the face of the GPSSF Division. I will ensure that we continue to have the very best face. Last, I will focus on technology. When I think about technology, Bruce Dorner and Doug Knapp come to mind—we must continue to exploit technology in efforts guarantee and secure our ability to deliver the absolute best membership products.

Last, but certainly not least, we need to grow bar leaders. Through leadership training and focused recruiting, I plan to help our Division plant and grow the future leaders of the GPSSF Division. We cannot miss this opportunity. We owe an obligation to our Division to ensure that our leaders are truly GPSSF Division-

grown, not simply acquired. This will take time. Having said that, we should continue to focus on up-and-coming YLD leaders and Law Student Division leaders to start them young in GPSSF Division.

His ability to connect with people and motivate them to make a difference is invaluable to the Division's continued success.

*Amy Lin Meyerson is a sole practitioner in Weston, Connecticut, practicing in the area of domestic corporate law, concentrating in the formation and growth of emerging businesses. She serves as chair of the GP/Solo Section's Outreach Committee and is president of the National Asian Pacific American Bar Association. She may be reached at [amy@almesq.com](mailto:amy@almesq.com).*

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### The Old Man's Words of Wisdom

I am just about to enter Soviet airspace. I flew over the North Pole at 34,000 feet moments ago at 576 miles per hour.

If you had read those two sentences when I started to practice law, you would have thought you were reading a Cold War thriller and that the United States was launching a counterattack on the Russians (we never were the aggressors back then). In reality, I was just on my way to Singapore via the polar route, but it got me to thinking how much the world changed since I was admitted to the bar in 1976. Times certainly have changed. It gave me pause that new lawyers just starting out today will face challenges that I can not even dream of today.



I took this time to think about my fellow law school classmates. Some are extremely successful. Others eke out a living and could make more money working at McDonald's. Of course, the majority are somewhere in between. One founded a firm with 80 lawyers. Several became judges. Several became presidents of major bar associations and are leaders in their fields. Some became marquee lawyers known for the cases that they handle. One made enough money that he "retired" at age 40 to his small 150-foot boat in Florida. What made these lawyers successful? Do they have common traits that a new lawyer should consider? It definitely wasn't class standing. The most successful were in the middle of my class.

First, they were all risks takers. They made a business plan early in their career and did what was necessary to execute it. They were not afraid of failing. For one, a change of law that wiped out an initial practice area was viewed as another opportunity to change course and look for yet another area to grow. They have never remained static and were active observers of the world around them. They embraced change in any form, but especially they all embraced technology. Most learned to

overcome their fears of computers. At the same time, they are students of history. Looking back at where the law came from to determine where it might go was a constant source of discussion.

New lawyers start out with fresh slates. Breaks are to be made. Opportunities are to either be taken advantage of or lost, but one has to move out of one's zone of comfort and face the challenges that come.

— William G. Schwab  
Learning the Law for More Than 29 Years



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## Handling Conflicts of Interest

By Ellen Freedman

Having attended law school, lawyers are aware of the concept of conflicts of interest. The ABA's MRPC 1.7 through 1.11 codify a lawyer's responsibility to avoid such conflicts. Even the appearance of a conflict of interest can be damaging. But what is involved in implementing a system for avoiding conflicts of interest?

- An attitude. Simply being alert to possible conflicts will help form good habits and lead to asking better questions of prospective clients.
- Standards. Firms can benefit from articulated (and understood!) standards relating to providing legal services and having business interests in the business affairs of clients.
- Scrutiny. Each possible new client and matter must undergo a review of the parties involved.
- A System. Use a database of "your world." That means include all clients, parties, vendors, employees, prospects . . . you name it. Each listing must have a description of who the party is and what relationship or file he or she or it (entity) has to you or to your firm. The conflicts system also includes your memory. Larger firms circulate lists of new matters for the lawyers to review and sign off on.
- Follow Up. Apparent conflicts are subject to review and decision. Have a written policy about how this review and decision are handled and documented. A waivable conflict of interest should be supported by sufficient evidence from the database and the file. A nonwaivable conflict becomes an opportunity to refer the person to one or more other lawyers, thereby building your referral network. Either decision is reduced to writing for possible later retrieval.

*This practice tip is a service of the Practice Management Advisors Committee of the ABA Law*

***Practice Management Section. For additional information about PMA services in your area, contact your state's practice management advisor.***

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## Division News

### Young Lawyers Fellows Program

GP|Solo Division is pleased to announce its inaugural Young Lawyers Fellows Program! This program provides leadership opportunities for young lawyer with the opportunity to become actively and integrally involved in the Division's meetings and committees.

**The application deadline is May 31, 2006**

[Find out more about the Young Lawyers Fellows Program.](#)

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### Practice Builders CLE Teleconference

#### Exercise Your Options

#### Evaluating, Selecting, and Budgeting Case Management Software

Thursday, May 4, 2006

1:00 PM - 2:30 PM Eastern

In this session, you will learn about how the latest in legal-specific software can increase your firm's profitability, efficiency, and client satisfaction.

Practice Builders is a new GP|Solo Teleconference series with an innovative approach to CLE. In addition to a traditional teleconference, there will be a follow up question and answer session on Solosez and a Monday morning "to do" list.

[Find out more about this CLE opportunity](#)

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## Award Nominations

We are now accepting nominations for our Solo & Small Firm Practitioners, Bar Project, and Bar Leaders Awards:

- Donald C. Rikli Solo Lifetime Achievement Award
- Sole Practitioner of the Year Award
- Annual Sole Practitioner Merit Award
- Annual Small Firm Practitioner Merit Award
- Solo and Small Firm Project Award
- Annual Bar Leader Award



Find out more about each of these and apply online on our [Awards page](#).

**Deadline is May 31, 2006.**

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## Bylaw Revisions

Attention all members, the Bylaws Committee is recommending that the Division Bylaws be changed. Please download and review the [revisions to the Bylaws](#) (MS Word) and email [genpractice@abanet.org](mailto:genpractice@abanet.org) with your comments, questions and suggestions.



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### Advocational Vocab



Test your vocabulary.

Do you notice the differences among the following?

beside

instants

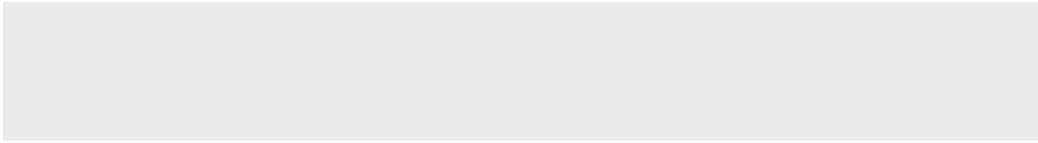
besides

instance

Answers:

beside —(prep.) by the side of ; separate from

instants— (n.) short periods of time



Now test your friends and colleagues.

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### Legal Trivia

What justice of the Supreme Court of the United States had two best-selling books condensed by *Reader's Digest*?

#### Answer:

**Justice William O. Douglas** wrote *Of Men and Mountains* (1950) and *Strange Lands and Friendly People* (1951).



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