METRO ATLANTA EDITION | VOLUME 3 ISSUE 5

ATTORNEY AT LAW MAGAZINE®

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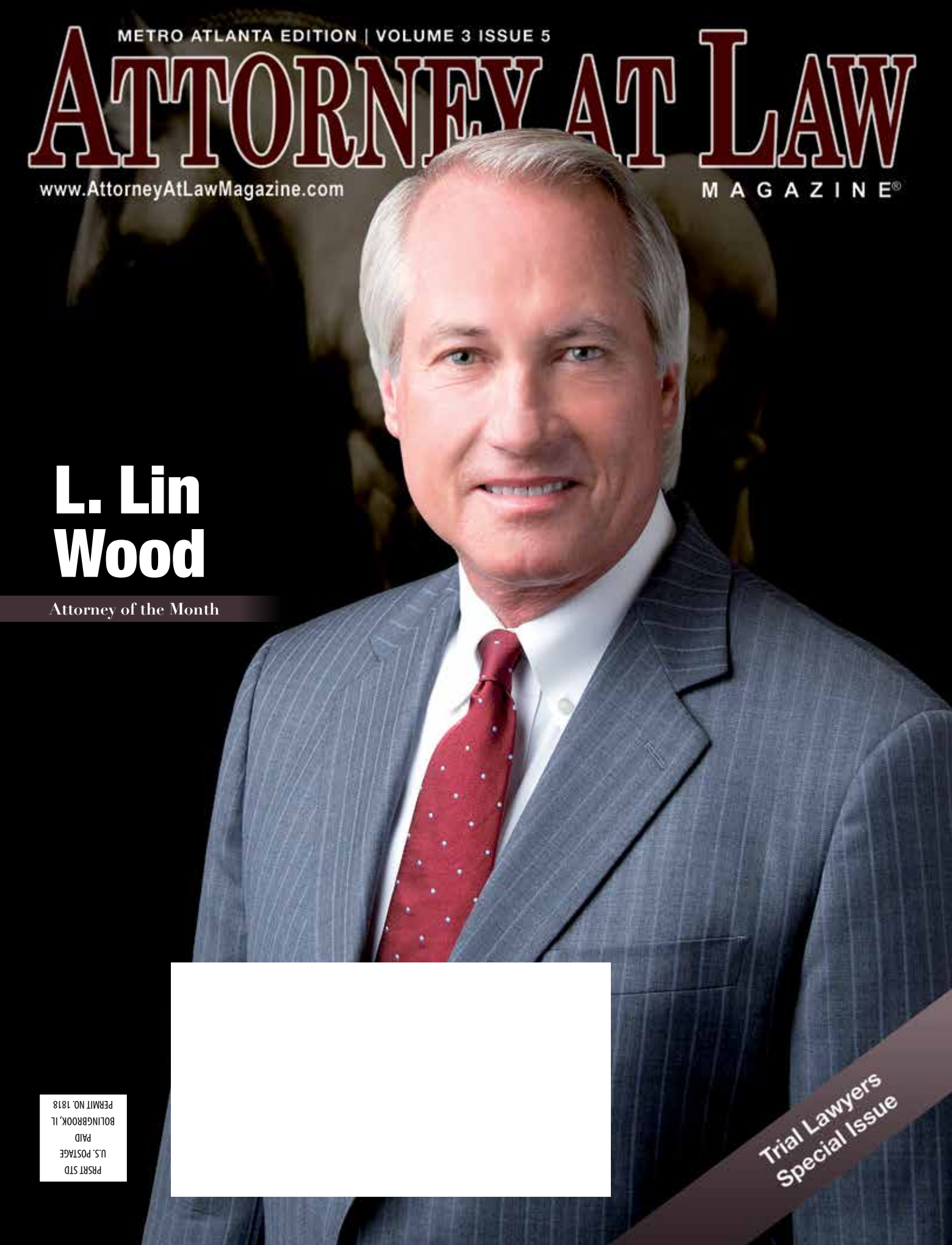

L. Lin Wood

Attorney of the Month

Trial Lawyers Special Issue

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Howard J. Weintraub

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Vice President

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Phone (480) 219-9716 Fax (480) 419-9727
www.tmmpublications.com • info@tmmpublications.com

FEATURES

EDITORIAL

SPECIAL SECTIONS

From the Publisher

Welcome to this month's visit with your friends and colleagues, old and new. Attorney at Law Magazine is first and foremost for and about you … the metro Atlanta attorneys. I recently read a quote from the late Griffin Bell, from the book I am reading "Raising the Bar," by Robin Hensley where he said, "Everybody is always marketing, but most lawyers have no idea how to sell anything. They don't teach salesmanship in law school. They don't teach marketing. A lot of people frown on people marketing. When I was a young lawyer we were marketing by doing good work, by going to bar meetings and meeting other lawyers. There has always been some form of marketing in the legal profession."

This magazine is the outlet where you can present your style of salesmanship. It can never beat the handshake meeting but it does introduce you, your practice or firm to sixteen thousand attorneys at once. Giving you a chance to spend more time with friends and family.

In addition every month, we provide business experts with the ability to speak with like-minded experts about their products, services and knowledge to assist you.

Enjoy,

Bill McGill

COMMERCIAL REAL ESTATE

Be Careful of Risks When Subleasing Real Estate

By T. Bradley Fulkerson, III, CCIM

Subleasing often looks like a good solution for growing companies to find short term space at below market rates. There are several inherent risks, however, for subtenants who agree to sublease space from a primary tenant (who becomes the sublessor) that's in a precarious fiscal position.

If the sublessor stops paying or files for bankruptcy, the sublease is often null and void because the landlord typically approves it on the condition that they get their entire face rate per the primary lease. If the sublessor files for Chapter

11 bankruptcy reorganization, they can walk away from any leases that aren't "… conducive to their financial health and ongoing operations." That means a sublessee could find itself lease-less at a moment's notice.

We saw this happen several times after the dot-com bust in the early 2000s.

To safeguard against this risk, the sublessee should consider several strategies. At a minimum, the sublessee should have the right to assume the prime tenant's position and complete the term of the lease per the original terms. However, that erases the economic benefit to the sublessee (the discount off the initial face rate of the primary lease), and to keep the space the sublessee must likely increase its rent to the scheduled amounts in the prime lease.

There are four ways to hedge against that possible outcome that every subtenant, and their legal counsel, should consider before agreeing to any sublease:

1. **Get a reverse security deposit** from the sublessor to guarantee the sublessee the difference between the discounted rate and the original face rate in the primary lease over the term. That amount would burn off over time as the sublessor pays rent and the money is returned to the sublessor in tranches.
2. **Have the sublessor post a letter of credit** to the sublessee in the amount of the discount between the negotiated sublease rate and the face rate of the prime lease. Such letters of credit typically cost 1 to 3 percent per year, and the amount can be reduced as the remaining term dwindles. Note that the letter of credit amount would be reduced against the borrowing limits of the sublessor, which is a matter that the sublessor must address in light of its overall financial situation.
3. **Negotiate a buyout of the lease** and have the sublessee enter into a direct lease with the landlord by quantifying the difference between the sublease rate and prime lease face rates, discounted to today's dollars. The sublessor then pays that amount to the landlord to be released from the obligation of their lease. Then, the landlord can enter into a direct lease with the subtenant (who now becomes a direct tenant), and apply that payment to the new lease.
4. **"Make it a wrap."** The sublessee could enter into both a sublease with the sublessor and a direct lease with the landlord. This is helpful in the event a sublessee wants to secure further rights to the space beyond the duration of the sublease. To accomplish this, the sublessee still has to take one of the above actions first and then adds a direct lease with the landlord for the term beyond the sublease.

Protecting a client's rights by considering these scenarios, and possible solutions, before signing a sublease is a valuable service that a professional tenant rep broker can provide.

T. Bradley Fulkerson is Transwestern's Atlanta broker-in-charge and managing director, Southeast, of tenant advisory services. In this role, Bradley provides leadership to the tenant advisory, general brokerage and transaction sciences platforms. He assists corporate clients with real estate strategy development and implementation, and serves as an integral part of improving, enhancing and advancing the Transwestern platform in Atlanta and the Southeast. Bradley can be contacted at (404) 842-6610 or bradley.fulkerson@transwestern.com
Transwestern | 3340 Peachtree Road NE, Suite 1000, Atlanta, GA 30326 | (404) 842-6610
www.transwestern.com

Benjamin Fink

Neal Weinrich

Mobile Devices in the Workplace: Protecting Trade Secrets and Confidential Information

By Benjamin Fink & Neal Weinrich

Benjamin Fink is a shareholder and Neal Weinrich is a principal at Berman Fink Van Horn P.C. Their practices focus on business and commercial litigation with an emphasis on competition-related disputes, including non-competes and trade secrets. Ben and Neal blog on these matters at www.georgia-noncompete.com. Ben is chair of the Atlanta Bar Association labor & employment law section and the American Intellectual Property Law Association trade secrets legislative subcommittee. He has been named a Top 100 Super Lawyer in Georgia since 2013. Neal is vice chair of the American Intellectual Property Law Association, trade secrets digital forensics subcommittee and a Georgia Rising Star.

For more information, visit www.bfvlaw.com.

Because mobile devices permeate the workplace, it is inevitable that employees access and receive trade secrets or confidential information through mobile devices. Given this regular exchange of sensitive information, it is more critical than ever that employers take steps to secure and protect their company's information. One area for employers to do so is in policies that govern employee use of mobile devices.

Companies generally fall into two categories with respect to policies governing the use of electronic devices for work-related purposes: BYOD and COPE.

Under a BYOD, or "Bring Your Own Device," approach, employers allow employees to use devices employees personally own for work purposes. A BYOD policy gives employees the widest latitude in choosing a mobile device. BYOD can improve employee morale and attract employees who prioritize having cutting-edge smartphones. However, this approach requires the employer's IT department to support a wide variety of devices and manage data across multiple platforms. Thus, BYOD can be more costly.

In the BYOD scenario, employers should implement policies for how company information may be used and stored on the devices. Policies should also address how the employer will secure company information on a device when the employee leaves the company. For example, policies should inform employees that any company information residing on their personal devices at the end of employment belongs to the company and must be returned. Policies may expressly include a protocol for how BYOD devices are scrubbed of company information at the conclusion of employment.

Employers with a BYOD policy may also wish to require employees to create a secure area on the employee's personal device that is used solely for work-related data and activity. This allows the employer to secure data and information when an employee departs the company.

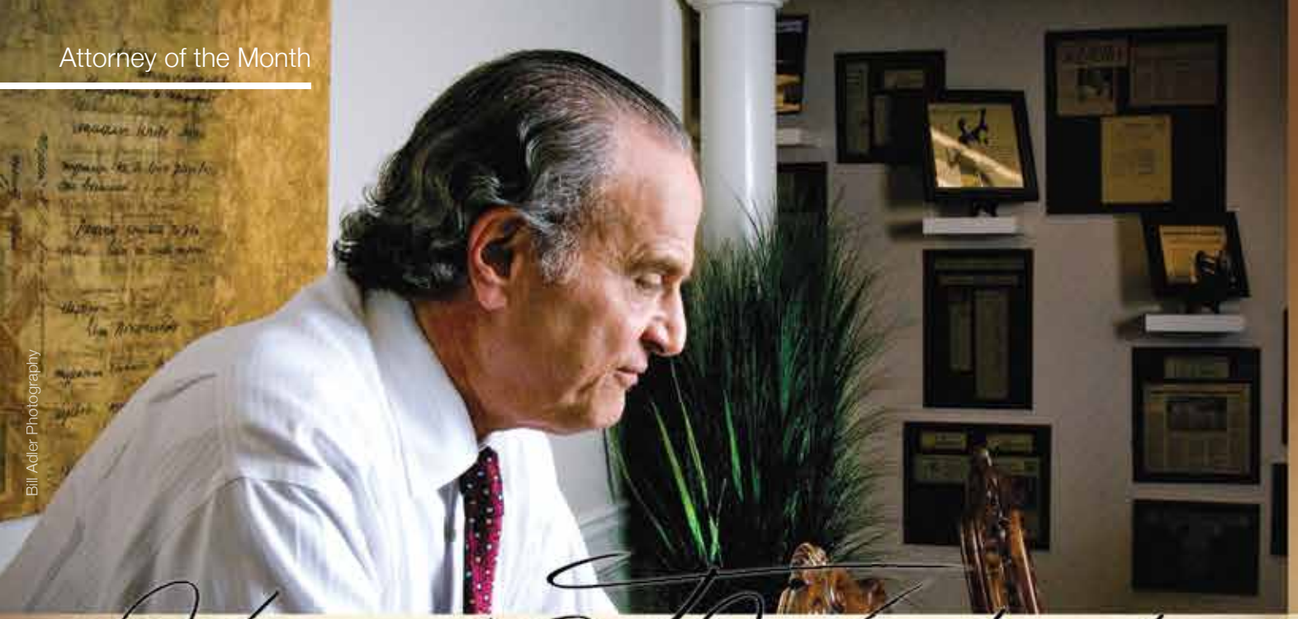
A BYOD policy should also require employees to report lost or stolen devices to the company immediately. Employers may also wish to reserve the right to remotely wipe the device, or portions of the device, when a device is lost or stolen.

Under the COPE, or "Company-Owned, Personally Enabled," approach, it is significantly easier for an employer to maintain control over company information stored on the employee's device.

The COPE approach allows the employer to dictate which devices and platforms are supported. Employees may not like the COPE approach unless the employer offers a variety of devices. Employees may also not like this approach because they will want to use their devices for personal activities in addition to business activities.

Given these competing interests, companies that use the COPE approach may wish to develop a policy which allows employees to install personal applications, download music or take personal photos using the device. Employers that allow personal activity on COPE devices should consider how to allow personal activity without compromising the security of company information, as well as how to deal with the employee's personal data and applications when the employee leaves. A COPE policy should also address the possibility that an employee's device may become subject to a litigation hold. As in the BYOD approach, a COPE policy should authorize the company to wipe a device remotely if it is lost or stolen, notwithstanding that the device may contain personal data.

Selecting and implementing a mobile device policy involves many considerations. Employers should carefully consider how their policy may impact the company's ability to protect its trade secrets and confidential information. Employers that develop policies with these issues in mind will best position themselves to protect proprietary data and information, particularly when an employee leaves the company. Failure to proactively draft policies for the protection of trade secrets and confidential information could result in sensitive information being shared with a competitor or used for other improper purposes.



Bill Adler Photography

Howard C. Weintraub

Compassionate, Driven & Meticulous

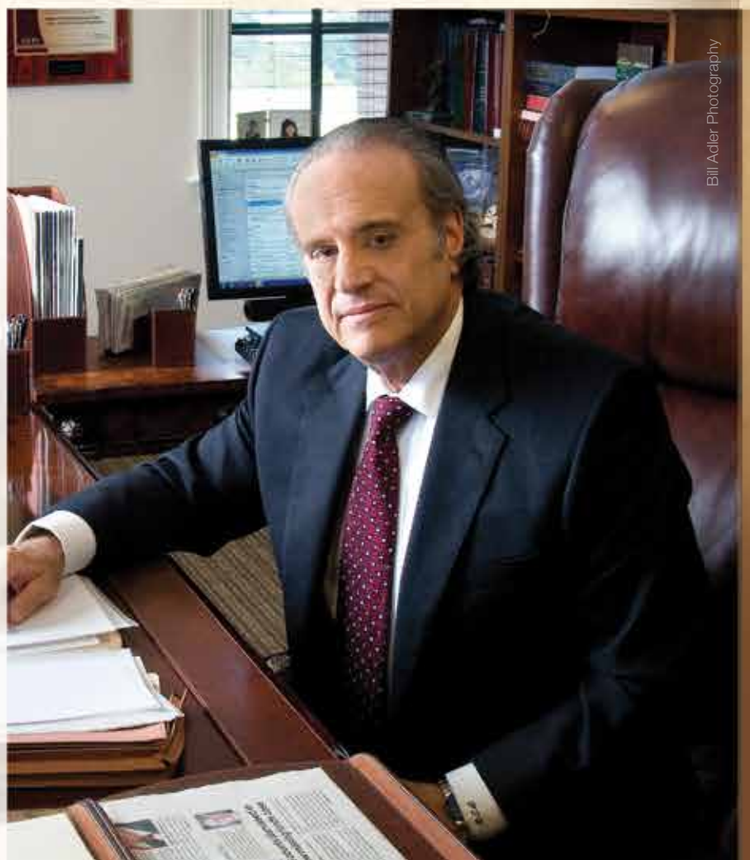
By Jan Jaben-Eilon

At 18 years of age, and just a few months into his freshman year of college, Howard Jarrett Weintraub alerted his parents that his then girlfriend had threatened to accuse him of rape if he broke off their relationship. "This false accusation certainly could have destroyed my life," says Weintraub. Although the relationship did terminate, the threat never materialized. That event had a dramatic affect on Weintraub leading him to consider a career as a criminal defense attorney.

Weintraub emphasizes how his parents, who were both born in Poland, valued education above everything else and also instilled a tremendous work ethic in him and his sister. He fondly remembers how his parents taught him through example and by living the benefits derived from hard work, perseverance and integrity. His father's story of being a new immigrant in America, who began working as a janitor in a factory in Bayonne, New Jersey, while educating himself in night school, and eventually rising to own that factory employing over 200 people, depicts a story reminiscent of Horatio Alger. When he told his parents that he wanted to be a criminal defense lawyer, Weintraub recalls his father telling him that it is a noble profession and to serve his clients well. He cautioned Weintraub that his clients would be entrusting their lives with him and to always remember the responsibility this carried. Weintraub recalled that conversation as if it happened yesterday. It occurred, however, a year before his father died, when Weintraub was one month short of turning 20.

That conversation clearly made an impression on Weintraub. The obligation of representing people is one he takes on with honor and complete commitment to each of his clients.

The most challenging aspect of his work, he adds, is knowing that many of his clients face harsh sentences which not only affect them but drastically impact their families. To exemplify the harsh reality of criminal defense work, Weintraub points to his defense several years ago of a North Fulton County high school guidance counselor indicted for the statutory rape and child molestation of one of his students. Weintraub had uncovered many defects in the state's case resulting in the prosecutors offering his client probation in exchange for a guilty plea. In a pretrial conference, the judge advised the client about the benefits of taking a plea offer, stating that should the jury find him guilty the court would sentence him to a minimum of 20 years. Weintraub's client rejected the plea offer, knowing he faced at least 20 years if convicted. After a lengthy trial, the jury acquitted Weintraub's client of all the charges.



Bill Adler Photography

> "You have to learn the rules of the game. And then you have to play better than anyone else." ***- Albert Einstein***

While attending Emory University School of Law, Weintraub knew he wanted to be a prosecutor before defending people. "I wanted to get experience as quickly as I could and learn from the prosecutorial perspective prior to having the responsibility of defending people," Weintraub says. During his second year of law school, the United States Department of Justice was interviewing students for possible employment in its honors program. Weintraub wanted that job but as the last candidate to be interviewed by virtue of alphabetical order, he knew he had to make a memorable impression with the interviewer in order to rise above the others.

When he was asked the usual question of why he wanted to be an attorney, he stated, "I am Jewish and I can't stand the sight of blood, so what else can I be to make my mother proud of me if not a doctor or dentist? I only thought of that answer at that moment," he smiles, noting that a year or so later he ran into the interviewer in the Great Hall of the United States Department of Justice building in Washington, D.C. shortly after he began working in the Appellate Section of the Criminal Division. The interviewer said that even though some time had passed since the interview he remembered Weintraub and his answer and opined that anyone with that kind of moxie when a job offer was hanging on the line would be a tough and effective litigator. Weintraub described working at Main Justice as a very fulfilling job where he gained extensive experience writing appellate briefs in several United States Courts of Appeals and memoranda in opposition to petitions for writs of certiorari before the United States Supreme Court.

A New Yorker by birth, Weintraub has lived in Atlanta since 1972, except for his three years with the government in Washington, D.C. He has become a bit of a Southern-style storyteller. Weintraub recounts an ironic twist of fate regarding the only brief on the merits that he wrote before the United States Supreme Court during his tenure with DOJ in Washington. While in law school, Weintraub was assigned the task of writing a brief in a case concerning an illegal search of a flower shop, which led to the discovery of the identity of an individual who then became a witness against the owner of the flower shop business in a case of perjury brought against the store owner. Weintraub had assumed that it was a hypothetical case crafted by his law school professor. Little did he know that this *hypothetical* was an actual case (*United States v. Ceccolini*, 435 U.S. 268 (1978)) that had made its way up to the United States Supreme Court. Shortly after beginning to work in the Department of Justice, Weintraub ironically was assigned the task of writing the government's brief, in conjunction with the Justice Department's Solicitor General's Office, in *United States v. Ceccolini.* Weintraub does not remember his law school paper's position, but he notes how the government's position, in the real world case prevailed before the Supreme Court in a 6-2 decision, with the majority opinion written by Chief Justice Rhenquist. Justices Marshall and Brennan dissented and Justice Blackmon did not participate in the consideration or decision of the case.

After his stint in Washington, D.C., Weintraub became an Assistant United States Attorney in Atlanta. He vividly recalls his eight years of federal prosecution for the Northern District of Georgia. One of his first assignments was to oppose the Section 2255 habeas corpus collateral attack by William A. H. Williams who had been convicted of kidnapping Reginald Murphy, an editor of the Atlanta Constitution. Among several other interesting cases, Weintraub prosecuted an international advance fee loan swindle case that involved an extradition proceeding before the British House of Lords and a jury trial in Atlanta. The case consumed almost 11 weeks, making it the longest trial at that time in the history of the Northern District of Georgia. He also prosecuted 52 air traffic controllers during the PATCO strike in 1981, more so than any other prosecutor had done in the country, taking to heart the words of President Reagan "They are in violation of the law and if they do not report for work within 48 hours they have forfeited their jobs and will be terminated." Another case clearly recalled by Weintraub was his prosecution in 1983 of a North Georgia cattleman for attempting to buy off an IRS revenue agent with cash and negotiable notes worth approximately $500,000, which then IRS Commissioner Rosco Egger, Jr. called the largest bribe attempt in IRS history.

In 1985, Weintraub left the government and formed his own criminal defense firm. Over the years, he has represented clients in federal cases in 20 states, as well as clients throughout the state courts of Georgia, in matters such as complex frauds, money laundering, securities fraud, income tax fraud, public corruption, RICO, Medicaid fraud, murder, child molestation, rape, armed robbery and DUI.

One of Weintraub's early cases was also one of his most memorable. Four Californians and two Libyan nationals were charged in a $50 million scheme to illegally sell two Lockheed Martin L-100-30 transport planes to Libya. Also named in the indictment as an unindicted co-conspirator was the chief of staff of the Libyan armed forces under Libyan Dictator Muammar Gaddafi. The case involved the purchase of the two aircraft on the pretext that they would be used for oil exploration in the tiny West African nation of Benin. It was the government's contention that the planes thereafter were diverted to Libya to be converted to aerial refueling aircraft that could be used to extend the range of Libyan fighter jets. Weintraub's client was

a former oil company executive who had resided in Tripoli, Libya, and the government contended that Weintraub's client "was the Libyan connection who had brokered the deal." At the time the case was indicted, the United States Customs Service described the scheme as "the largest diversion of military equipment to Libya ever uncovered."

If convicted, Weintraub's client was facing over 30 years in prison. He went to trial before a jury in the United States District Court in Atlanta and after a two-week long trial, the jury found the defendant not guilty on all charges.

In discussing many of his other cases as a defense attorney, one stands out because of recent changes in the federal sentencing scheme for cocaine prosecutions. In 1992, Weintraub was one of the first defense lawyers to challenge the constitutionality of the enhanced federal penalties for the possession and distribution of crack cocaine when compared to the penalties associated with powder cocaine. Pulling documents out of his archival cabinet, Weintraub read from his briefs in that case where he argued that the enhanced penalties for crack cocaine "are constitutionally depriving young black people of a fair and equal disposition [as compared to] more wealthy white people who use the different form of powder cocaine." He went on to argue that the crack "sentencing scheme was not passed by a well-informed Congress, but rather was the product of 'helter-skelter in [the] halls of Congress' and the product of surviving political suicide if a congressman voted against the tougher penalties in drug cases." Although his oratorical skills did not prevail in his 1992 case, Weintraub nonetheless feels somewhat vindicated in that some two decades later Congress now has reduced the ratio discrepancy in the sentencing scheme for crack and powder cocaine.

Weintraub practices with his law partner Benjamin Black Alper in the Midtown-Atlanta firm of Weintraub & Alper, P.C. Alper attended the United States Military Academy at West Point and Washington University in St. Louis, Missouri, and then obtained his law degree from Emory. Although Alper graduated law school just five years ago, he comes from a family of lawyers where his mother was the Dean of Pace Law School in New York, his father had a thriving intellectual property law practice in New York City and his wife Erin is a patent law litigator in Atlanta. Alper's legal acumen and superb courtroom skills and talents have been recognized and lauded by numerous federal court and state court judges. Alper fully shares the strong work ethic, compassion and dedication to clients that is exhibited by Weintraub. "We truly complement one another," says Weintraub. "I am so blessed and honored to have Ben as a partner."

Alper feels equally blessed. "Working with Howard has been a truly invaluable learning experience and thoroughly rewarding. I am constantly amazed at the energy and drive that Howard puts forth toward each and every case that we have. A young lawyer could not ask for a better teacher."

One of the firm's most recent successes came in April 2014, when Weintraub and Alper convinced a North Georgia Superior Court Judge to dismiss a 116 count indictment for theft brought against a former assistant magistrate judge. Weintraub and Alper prevailed with their argument that the prosecution was barred by the expiration of the running of the four-year statute of limitations and that the tolling exception urged by the state was without any merit. "It clearly would have been a miscarriage of justice for the case to have been permitted to proceed to trial," says Alper.

"Ben and I diligently and meticulously prepare each and every one of our cases and we do not take any prosecutor for granted," says Weintraub. "We subscribe to the teaching of Sun Tzu's 'The Art of War' where he writes 'If you know the enemy and know yourself, you need not fear the result of a hundred battles,'" says Weintraub. He also recites one of his favorite mantras, which is a quote from Albert Einstein, "You have to learn the rules of the game. And then you have to play better than anyone else."

According to his 107 client reviews on Avvo, Weintraub apparently has learned to play the game very well. "To me, it is so much more rewarding what my clients think of me then for me to name the high-profile cases that I have done," says Weintraub. He then proudly points to his latest client review posted on Avvo on the very day he was being interviewed for this story.

Clients, however, are not the only people who appreciate the quality of work Weintraub has done. While he was in the government sector, Weintraub was awarded commendations from United States Attorney General William French Smith, the Federal Bureau of Investigation, the Internal Revenue Service, the Secret Service, the Federal Aviation Administration and the Small Business Administration.

In looking back at his career, Weintraub says, "I hope to retire someday and be able to take long daily walks with my beautiful partner Judy on the beaches in Martha's Vineyard and Nantucket, without needing any prior approval from a judge. There will be no regrets as I know that I have invested all of my energy and skills for each and every client with whom I have been privileged to represent. Even though I lost my father before I was 20, I know that he along with my mother, who also has passed away, would be proud of the man that I have become."

As this interview was coming to a close, Weintraub looked around his inner office and smiled at the many photographs he had taken over the years of his two beautiful daughters, Ashley-Rose and Brooke-Elise, saying, "After all of my years of being a lawyer and when all is said and done what really matters most to me is that I have been a great dad for my two girls."

Bill Adler Photography

FORENSIC ACCOUNTING

Lost Profits for an Unprofitable Business

By Chad E. Thompson

Chad E. Thompson is a certified public accountant, accredited in business valuation and certified in financial forensics. He is a partner and co-founder of Assurance Forensic Accounting, LLC, a firm providing financial damage measurement services for attorneys and insurance companies throughout the United States. The firm was named one of the fastest-growing private companies in America by Inc. Magazine for 2012 and 2013. Chad has performed more than 3,000 forensic accounting engagements. You can reach Chad at (678) 578-2525 ext. 207, or by email at cthompson@assurancefa.com.

In some circles, there is an old saw that if a business is unprofitable it can't recover lost profits in an action. Others steadfastly believe it is *always* possible for a business to suffer lost profits. If either ends up being right in a particular case, it is by sheer accident, since each philosophy is flawed in its own right.

What is an Unprofitable Business?

Before we delve into the shortcomings of each philosophy, we will first discuss the concept of an "unprofitable business." Let's start with nonprofits, or "not-for-profit" businesses. These businesses are not unprofitable by design, nor do they necessarily lack profit. In fact, some of them are quite profitable. Their "nonprofit" title stems from the fact that earning a profit is not central to the organization's purpose. For just about every other business, the opposite is true. Business schools teach that the goal of a business is to provide a return to its shareholders. But just because that is the goal, it does not automatically happen. Earning a profit is hard work. One must have a well-designed business plan, a management team capable of executing the plan and a culture nimble enough to respond to the constant changes in the market.

Profits are not linear, meaning that a business does not necessarily earn one every day or every month. Think about retailers. The day after Thanksgiving is known in the industry as "Black Friday." The "black" label was borne out of the fact that sales were so heavy on that day (and the rest of the days until Christmas) that it put the retailer "in the black," a profitable position, for the year. The implication is that the retailers were "in the red," or unprofitable, most of the year.

With the above scenario in mind, it becomes hard to label a business as unprofitable. Unprofitable when? Which month? Which year? Is the unprofitable state a seasonal condition? Is it a cyclical trend within the industry? Thus, the "unprofitable" label should not be used loosely; it requires qualification.

In fact, I will submit to you that there is no such thing as a truly unprofitable business, at least in the long run. Such a business would cease to exist after continued operating losses depleted its assets and available borrowing capacity.

Measuring Lost Profits for "Unprofitable" Businesses

Let's say we have properly qualified "unprofitable" to mean the twelve months prior to the action. Further, we expect this unprofitable state to have continued for another year, regardless of the action. So, let's examine the philosophy that the business is unable to suffer lost profits because it was unprofitable anyway. The fallacy in this philosophy is that the action could have made the business even *more* unprofitable. Thus, the business finds itself in a worse position, as illustrated in the following example:

	Actual	But for the Action
Sales	$3,583,823	$4,280,381
Operating Expenses	$3,888,548	$4,335,800
Net Loss	($304,725)	($55,419)

In this case, the business, while expecting to lose $55,419, actually finds itself with a $304,725 loss. Accordingly, its lost profits are $249,306. This example will give the "you can always suffer lost profits" crowd some momentum, but only temporarily. Let's look at another example:

	Actual	But for the Action
Sales	$3,792,478	$7,581,142
Operating Expenses	$4,263,828	$8,158,383
Net Loss	($471,350)	($577,241)

In this example, the business was actually better off from a financial perspective. Sure, the action took a bite out of sales. But the company responded in kind by cutting its operating expenses. In this case, there is no basis for lost profits.

The Final Word

The hype surrounding lost profits for "unprofitable" businesses is undeserved. The truth is, evaluating lost profits for an "unprofitable" business is virtually indistinguishable from the evaluation of a profitable one. In either case, it is a matter of slapping on the green eyeshade and studying sales and expenses to determine the impact of the underlying action on each. There is, however, one caveat. If the business is seeking lost profits for an extended period of time, and the business was expected to operate unprofitably during this time, consideration must be given to whether the business could have continued as a going-concern. In other words, the losses may have become too much to bear, and the business would have found itself defunct regardless of the action.

In summary, if you encounter a lost profits claim for a seemingly unprofitable business, avoid leading with your face and assuming such a business "always" or "never" suffers lost profits. Instead, proceed with caution and let the correct answer evolve as a matter of analysis rather than philosophy.

Beyond Traditional Asset Classes:

Exploring Alternatives

William Moss & Bryan Koepp, JD, CFP

Stocks, bonds, and cash are fundamental components of an investment portfolio. However, many other investments can be used to try to spice up returns or reduce overall portfolio risk. So-called alternative assets have become popular in recent years as a way to provide greater diversification.

What is an alternative asset?

The term "alternative asset" is highly flexible; it can mean almost anything whose investment performance is not correlated with that of stocks and bonds. It may include physical assets, such as precious metals, real estate or commodities. In some cases, geographic regions, such as emerging global markets are considered alternative assets. Complex or novel investing methods also qualify. For example, hedge funds use techniques that are off-limits for most mutual funds, while private equity investments rely on skill in selecting and managing specific businesses.

Finally, collectibles are included because the value of your investment depends on the unique properties of a specific item as well as general interest in that type of collectible. Each alternative asset type involves its own unique risks and may not be suitable for all investors. Because of the complexities of these various markets, you would do well to seek expert guidance if you want to include alternative assets in a portfolio.

Hedge funds

Hedge funds are private investment vehicles that manage money for institutions and wealthy individuals. They generally are organized as limited partnerships, with the fund managers as general partners and the investors as limited partners. The general partner may receive a percentage of the assets, fees based on performance, or both.

Hedge funds originally derived their name from their ability to hedge against a market downturn by selling short. Though they may invest in stocks and bonds, hedge funds are considered an alternative asset class because of their unique, proprietary investing strategies, which may include pairs trading, long-short strategies, and use of leverage and derivatives. Participation in hedge funds is typically limited to "accredited investors," who must meet SEC-mandated high levels of net worth and ongoing income (individual funds also usually require very high minimum investments).

Private equity/venture capital

Like stock shares, private equity and venture capital represent an ownership interest in one or more companies, but firms that make private equity investments may or may not be listed or traded on a public market or exchange. Private equity firms often are involved directly with management of the businesses in which they invest.

Private equity often requires a long-term focus. Investments may take years to produce any meaningful cash flow (if indeed they ever do); many funds have 10-year time horizons and you may not have access to your funds when you want them. Like hedge funds, private equity also typically requires a large investment and is available only to investors who meet SEC net worth and income requirements.

Real estate

You may make either direct or indirect investments in buildings--either commercial or residential--and/or land. Direct investment involves the purchase, improvement, and/or rental of property. Indirect investments are made through an entity that invests in property, such as a real estate investment trust (REIT), which may be either publicly traded or not. Real estate not only has a relatively low correlation with the behavior of the stock market, but also is often viewed as a hedge against inflation. However, bear in mind that physical real estate can be highly illiquid, may involve more work on your part to manage, and may be subject to weather hazards, rezoning or other factors that can reduce the value of your property. The value of a REIT will depend not only on fluctuations in the value of its real estate holdings – it's subject to the risks associated with the real estate market in general – but on investor sentiment and market volatility. Also, some types of REITS are considered more illiquid than others, which could mean problems if you need to sell quickly.

Precious metals

Investors have traditionally purchased precious metals because they believe that gold, silver, and platinum provide security in times of economic and social upheaval. Gold, for instance, has historically been seen as an alternative to paper currency and therefore may help hedge against inflation and currency fluctuations. As a result, gold prices often rise when investors are worried that the dollar is losing value, though prices can fall just as quickly. There are many ways to invest in precious metals. In addition to buying bullion or coins, you can invest in futures, shares of mining companies, sector funds, and exchange-traded funds (ETFs).

Natural resources/equipment leasing

Direct investments in natural resources, such as timber, oil or natural gas, can be done through limited partnerships that provide income from the resources produced. In some cases, such as timber, the resource replenishes itself; in other cases, such as oil or natural gas, it may be depleted over time. Timberland also may be converted for use as a real estate development. Some limited partnerships pool your money with that of other investors to invest in equipment leasing businesses, giving you partial ownership of the equipment those businesses lease out, such as construction equipment.

Commodities and financial futures

Commodities are physical substances that are fundamental to creating other products and are basically indistinguishable from one another. Examples include oil and natural gas; agricultural products; livestock such as hogs; and metals such as copper and zinc. Commodities are typically traded through futures contracts, which promise delivery on a certain date at a specified price. Futures contracts also are available for financial instruments, such as a security, a stock index or a currency. Though the futures market was created to facilitate trading among companies that produce, own, or use commodities in their businesses, futures contracts also are bought and sold as investments in themselves, and some mutual funds and ETFs are based on futures indexes. Futures allow an investor to leverage a relatively small amount of capital. However, they are highly speculative, and that leverage also magnifies the potential for loss.

Art, antiques, gems and collectibles

Some investors are drawn to these because they may retain value or even appreciate as inflation rises. However, those values can be unpredictable because they are affected by supply and demand, economic conditions, and the quality of an individual piece or collection.

Why invest in alternative asset classes?

Part of sound portfolio management is diversifying investments so that if one type of investment is performing poorly, another may be doing well. As previously indicated, returns on some alternative investments are based on factors unique to a specific investment. Also, the asset class as a whole may behave differently from stocks or bonds. An alternative asset's lack of correlation with other types of investments gives it potential to complement more traditional asset classes and provide an additional layer of diversification for money that is not part of your core portfolio, though diversification cannot guarantee a profit or ensure against a loss.

Trade-offs you need to understand

Alternative assets can be less liquid than stock or bonds. Depending on the investment, there may be restrictions on when you can sell, and you may or may not be able to find a buyer. Performance, values, and risks may be difficult to research and assess accurately. Also, you may not be eligible for direct investment in hedge funds or private equity. The unique properties of alternative asset classes also mean that they can involve a high degree of risk. Because some are subject to less regulation than other investments, there may be fewer constraints to prevent potential manipulation or to limit risk from highly concentrated positions in a single investment. Finally, hard assets, such as gold bullion, may involve special concerns, such as storage and insurance, while natural resources and commodities can suffer from unusual weather or natural disasters.

Bryan Koepp is PNC Wealth Management's senior wealth planner for its Atlanta based wealth team. He earned his law degree from the Ohio State University College of Law. He is one of 10 members of PNC Wealth Management's national practice group: planning for the business owner. Bryan can be reached directly at (404) 495-6417.

Bill Moss is a senior relationship manager for PNC Wealth Management's Atlanta based wealth team. As a relationship manager, he coordinates the local team on behalf of his clients to address their individual and family goals. Bill can be reached directly at (404) 495-6401. PNC Wealth Management's Atlanta based wealth team is located at 3344 Peachtree Road NE, Suite 2100, Atlanta, GA 30326.

A CONVERSATION

With L. Lin Wood

By Laura Maurice

According to Lin Wood of L. Lin Wood P.C., the practice of trial law is more art than science. Success depends on having conversations with judges, juries, clients and, in some cases, the media.

It's an art that he has been practicing for more than 37 years since his early days handling medical malpractice to his evolution as a nationally recognized First Amendment and defamation lawyer.

Wood has had his own firm for much of his career, with the exception of his early years and a timeout to try big firm life at Powell Goldstein, now Bryan Cave, from 2006-2011. He quickly realized that his practice was not cut out for a big firm. "The nature of what I do cannot be described as under the radar, and large firms shy away from the types of high-profile cases that are central to my practice," he says. "It was nice to have additional staff and resources, but my hands were tied in terms of taking on some of the cases I would have enjoyed handling."

As a result, he resumed his own practice in 2011, first as Wood, Hernacki and Evans with two colleagues from Bryan Cave, and has come full circle with his return to L. Lin Wood, P.C. effective Sept. 1 of this year. He is joined by associates Jonathan Grunberg and David Ehrlich and is excited to have a team in place from which to grow. The litigation boutique handles high stakes cases, whether personal or business in nature. Wood jokingly refers to their areas of specialty as *bizarre litigation*. Practice areas include defamation and First Amendment cases including handling the court of public opinion, cases related to the False Claims Act and general business litigation.

Part of Wood's success comes from his resilient character. He was an achiever in high school, editor-in-chief of the school newspaper and a pitcher on the baseball team. His grit was proven early when his father killed his mother in a blackout following years of alcoholism and domestic violence. Wood, who was 16 at the time, raised funds to hire a defense attorney for his father so he would have adequate representation, then went on to attend undergraduate and law school at Mercer University in Macon with scholarships, student loans and working a variety of part-time jobs.

He began his legal career in Macon with Jones, Cork, Miller & Benton and moved to Atlanta in 1979 where he practiced with mentor and trial lawyer Paul M. Hawkins at Freeman & Hawkins. Wood says he was fortunate to obtain the "trial and error experience" needed to become a good trial lawyer, something he says that most young lawyers don't have the opportunity to do now. "My career developed during a time when young lawyers were allowed to go out and do," he says. "I took 25 cases to a jury verdict in my first six years of practicing law. You won't find a lot of true trial lawyers among young partners in large law firms today."

According to Wood, another change in the profession is that most cases today are now won or lost at the deposition level. "The art is in taking and defending depositions because so few cases get to trial. If you follow a script rather than a checklist, you will miss answers that can lead to better questions. Start with a blank pad, listen and have a conversation with a curious mind."

An Olympic Decision

For much of his first 19 years practicing law, Wood handled primarily medical malpractice cases. In 1996, he received a referral to represent Richard Jewell, the security guard who was named a suspect by law enforcement and the media in the Centennial Olympic Park bombing in Atlanta. Wood's decision to take on Jewell's case would change his career and set him on a course to become one of the most successful and high-profile libel and defamation lawyers in the country. Wood describes the experience as "intensive on-the-job training in cases tried before the court of public opinion."

Although, Jewell was cleared by the FBI of any involvement in the bombing, he never recovered from the treatment he received by the media. Wood handled numerous cases on behalf of Jewell spanning almost two decades. Libel settlements were reached with CNN, NBC and Tom Brokaw, Piedmont College and the New York Post. Another suit against the Atlanta Journal Constitution, which took 17 years to resolve, was not successful.

In an age of 24/7 news channels, the Internet and social networking, the case remains a lesson in caution for the media almost 20 years later. "I've heard people say, 'Let's not Richard Jewell this person,' says Wood. " So I think Richard continues to stand for caution. His case created a yellow light that says slow down, take care before you go to the intersection of accusation."

> "TAKE CARE BEFORE YOU GO TO THE INTERSECTION OF ACCUSATION."

David Ehrlich, L. Lin Wood & Jonathan Grunberg

In a November 2000 article in Editor & Publisher Magazine, editor Jim Moscou described Wood as the man responsible for "taking Jewell's reputation from 'the 1996 Olympic Bomber' to 'the man who didn't do it'," adding that "while the world sees a lone bomber, Wood sees a victim of an overzealous, unprofessional media – then uses that media to 'win' his case."

Rather than thinking of himself as a First Amendment or defamation lawyer, Wood describes himself as a lawyer who handles civil litigation representing clients who he believes are victims or underdogs. The Jewell case put Wood in the spotlight. Clients

with cases being judged by the media and public, despite no arrests being made, increasingly sought him out to represent them as they fought for their reputations.

In addition to the Jewell cases, Wood has been the lead attorney in many national high-profile cases, representing clients like Howard Stern, Beth Holloway, former U.S. Rep. Gary Condit, John and the late Patsy Ramsey, as well as many companies.

In recent years, he has represented presidential candidates Rick Perry and Herman Cain against allegations of impropriety in the media, suggesting there is an appetite among high-profile campaigns for a more aggressive response to damaging stories.

Speaking Out

Despite his role in pursuing cases against the media, Wood considers himself a supporter of the First Amendment, within limits.

"I think that a First Amendment without accountability for wrongdoing weakens the system as a whole, because it fosters bad reporting and poor journalism. I can make a strong case that, when I seek accountability for genuine wrongdoing, it ultimately strengthens the First Amendment."

He believes that the courts have steadily eroded the ability of individuals and entities to redress false attacks on reputation by overemphasizing the need to safeguard First Amendment rights since the 1964 decision in *New York Times v. Sullivan.*

A Life Well-Lived

Wood works hard and plays hard. Outside of the courtroom, he played for and managed a senior league baseball team for 15 years that he loaded with former minor league players. He plays golf, boxes and has entered horse jumping competitions. However, he is the first to admit that his first love is practicing law.

When Wood reflects on his career, he feels very fortunate. He limits the number of cases he takes because he devotes a slice of his life to each one, many of which last years. His clients are special to him. He delivered the eulogy at Richard Jewell's funeral and was a pallbearer for Patsy Ramsey. "You're only given so many slices so you try to make good decisions with a desire to do justice."

He says that the only trial lawyer who has never lost is the one who has tried just one case and was lucky. "It's part of the game. You pick yourself up and dust yourself off; you'll be better for it the next time."

For Wood, the conversation never ends.

Bill Adler Photography

L. Lin Wood, P.C. | 1180 West Peachtree Street, Suite 2400 | Atlanta, GA 30309 | (404) 891-1402 | www.linwoodlaw.com

When Becoming a Partner Isn't an Option

By Raj M. Nichani

Becoming partner is a major goal to achieve in one's legal career. In recent years, law firms have become as focused on the business potential of a lawyer as they have on his or her abilities and skills surpassing their peers in the courtroom or on a deal. When I started practicing law in 2000, becoming partner was a reward for an attorney based on professionalism, competence and consistency throughout their career. This is becoming less and less common in a legal world as revenue-generating potential has grown in importance.

Focus has since shifted to networking and building your business. Building a network with partners inside and outside of your firm can keep you up-to-date with the field and partnership news, as well as boost your partnership potential. Attending various legal conventions and bar association events will expand your legal network pool with people of different and similar fields as you. Continue to gain information from senior associates, your network and knowledgeable recruiters to better guide you through the steps to partnership.

No matter what year you are as a lawyer, it is important to evaluate your potential to becoming partner. Take time to see where you stand at your firm by asking partners inside and outside of your practice group for an unbiased assessment of where you stand and what it will take to make partner. Use this feedback to mold and change the way you practice as a lawyer. This will help you better look for indicators that becoming partner is within your reach. For example, having almost perfect reviews is a good sign or implementing the constructive criticism given to help change the way you practice will show positive signs for success. Also, having strong billable hours can boost your potential for partnership.

In addition, if you want to become partner, but do not see any advancement at your current firm, it doesn't hurt to look into other firms. This should be sought out at the latest by your fifth year as an associate because as you become more senior, you become less appealing when trying to move laterally. The third through the fifth year is the peak for attractiveness and marketability. When you pass the fifth year mark, firms tend to shy away from looking at you and bringing you over to compete with people who have been at their firm working toward partnership from the beginning of their career. Firms also like to mold associates to work the way their firm runs, so they prefer to bring people in during their third, fourth and at the latest fifth year.

Even if your current firm seems as if they will not make you a partner it does not mean you can never become a partner at another firm. As a recruiter, I have placed hundreds of lawyers who were not able to make partner at their current firm but lateralled over as a partner or became a partner soon after moving. To stay on top of the latest legal trends and the job market, be sure to add a recruiter in your network to stay up-to-date with everything legal career related. A recruiter can often give valuable insight into your legal career that no one else can.

Raj M. Nichani, Esq. is the president of RMN Global Search, a full-service legal search company specializing in the permanent and temporary placement of legal attorneys with law firms and corporate legal departments. Raj and his team are dedicated to placing the highest quality candidates based on their own unique needs. The legal recruiting company was recently named the 13th top legal recruiting company in the nation by LawCrossing. You can reach Raj at (678) 842-5855, or by email at raj@rmnglobalsearch.com or by visiting www.rmnglobalsearch.com for updated job postings and further information on the recruiting process.

Surviving and Thriving By Controlling Overhead

By Chris Vaughan

As managing partners of various sized firms will attest, the pressures for fundamental change in the legal industry are here to stay. Clients are increasingly focused on reducing legal fees for most of their work, and these demands surface in both the fee-setting, initial phases of a representation and in the increasing insistence on write-downs of bills that are actually sent. Realization rates in most firms are now in the 82-83 percent range, down almost 8 points from the end of 2007. Firms that fail to respond appropriately face the loss of future business. According to Acritas' Sharplegal research, "33% of clients dropped a law firm in the last year," with 22 percent of those clients noting "too expensive" as the number one reason they fired the firm, eight points higher than the second biggest reason.

Given this situation, law firms must reduce their own costs in order to maintain traditional (or even similar) profit margins while continuing to provide effective representation. Fortunately, doing so is not an impossible task; it merely requires a focus and discipline that were not heretofore prerequisites for a successful lawyer.

Here are some ways for a firm to manage its overall spend. Note at the outset that the first two tips directly address what are, by far, the largest categories of expense for all professional services firms – people and space.

PEOPLE MANAGEMENT – As a general proposition, a law firm should be staffed by highly effective, efficient personnel (attorneys and staff), each of whom has plenty of work for which clients will pay reasonable rates. Sounds simple, right? Actually, almost all firms have excess capacity – people who are not fully utilized – which means that the firms are paying salaries and not receiving in return the full value of what those salaries should produce. Furthermore, firms' personnel typically include individuals who are not as efficient in doing their jobs as the new marketplace requires. Both of these situations erode overall profit margins. Similarly, firms sometimes staff matters with individuals whose skill sets and rates diminish the firms' ability to be profitable on the particular matter. Although there are a variety of reasons why a law firm might retain or even overpay an individual, each firm doing so must recognize the impact that those decisions have on the firm's profit margin. Beyond this consideration is the fact that firms must evaluate the strengths and necessary skill sets of their attorneys in the context of the firms' practices. A larger firm may need staff who are very specialized and extremely efficient in performing a discrete set of tasks, whereas a smaller firm may need individuals with more generalized skills and thus greater flexibility.

SPACE MANAGEMENT – As technology continues to advance, firms are finding that oversized offices and multiple, large conference rooms are not as necessary. Each firm should determine its space requirements on the basis of its long-term goals. If a firm can renegotiate, or is considering renewal of its lease, it should first determine the appropriate location from a standpoint of its current and perspective clients. For some attorneys, proximity to the courthouse is extremely important. For others, it is more cost-effective and beneficial to be located a little outside of *downtown*. The next step is minimizing the amount of necessary space. The more a firm utilizes digital files, the less storage space it needs. Those huge offices you see on television shows look grand, but they really hurt the bottom line of the firm when it comes to analyzing the functional use of the space.

BACK OFFICE SUPPORT MANAGEMENT – If a firm outsources support to various vendors, it should find companies that can provide multiple services for your firm. Such companies will frequently provide a discount for firms utilizing multiple services, and the law firm will then not have to pay retail for every service needed. Firms with multiple offices should place back office support in one location or even in a remote location with a lower cost of living.

SOFTWARE MANAGEMENT – Too often, firms, especially small ones, invest in software that provides the same services as software that they already own. When considering new software, the firm should be certain that it integrates with existing software to minimize setup costs and ongoing maintenance fees. It is also important to analyze whether a cloud-based platform is appropriate for the firm. Not every firm should drop its servers just yet. Most of these platforms require firms to increase bandwidth in order to maintain efficiency, which could increase overhead.

Faced with significant fee pressure, law firms must find ways to operate more efficiently and reduce their costs. Doing so can be difficult, but the rewards are increased profit margins and happier clients.

Chris Vaughan is the managing member of Firm Transitions, a full-service solution center for law firms. For more information, visit www.firmtransitions.com, call (336) 415-3476 or email chris@firmtransitions.com.

Hester Davis of Millicare greets Deborah Landers of Balch & Bingham LLP

State Bank's Tracey Smith & June Carlson

The stars were out at the Atlanta Association of Legal Administrators (AALA) 26th Annual Business Partner Expo Thursday, Aug. 14 at the Cobb Galleria Centre. In a nod to the Oscars, the theme of this year's event was "On the Red Carpet with AALA's Biggest Stars: Our Business Partners."

AALA members turned out in force to see the latest in products and services available to the legal industry and to express appreciation for their business partners, whose support makes possible the organization's educational programming, networking opportunities and community involvement.

AALA is invaluable to legal administrators, as well as managers in human resources, finance and technology. It provides support to professionals involved in the management of law firms, corporate legal departments and government legal agencies. "In many cases, we are the only ones in our roles within a firm, and while our firms may practice in very different areas of law, the business of law is much the same no matter the type of law," says Rita Garrett, AALA President and office administrator of Kutak Rock, LLP. "It's crucial to be able to share best practices and network with our peers."

AALA and its parent organization, the Association of Legal Administrators (ALA), host conferences throughout the year focusing on various aspects of legal management education. "The resources and access offered through membership are critical to us and our firms," says Garrett. "It keeps us on the cutting edge of law firm management."

AALA members also have access to a salary & benefit survey and additional online resources and publications, including podcasts and webinars.

For membership information, please contact AALA Membership Chair Brent Bridges of Bloom Sugarman Everett at bbridges@bloom-law.com.

AALA Board Members Brent Bridges, Stacy Rodenheiser, Jennifer Richardson, Rita Garrett, Marianne Lawhead, Amanda Davis, Joan Gingrich, Triss Brakefield, Kathye Verde and Jennifer Brinkley

Representatives from Paramount Staffing, left to right: Kathryn McCain, Shannon Roberts, Elane Buresi, Dorina Dupuis and Kimberly Lusink

Jennifer Moffitt, Henry Schurling, Pete Smith and Ben Mortimer at The McCart Group booth

Attorney at Law Magazine publisher, Bill McGill & photographer Bill Adler

IST representative Chris Eckl and Peter Kuzel of Fish & Richardson

Debi Phillips, firm administrator at Bodker, Ramsey, Andrews, Winograd & Wildstein, P.C. and business partner David Gracey of Network 1

Why Do Lawyers Procrastinate Marketing?

Get back in the game TODAY!

By Terrie S. Wheeler, MBC

The kids are in school, leaves are turning and it is now time to turn your attention back to your law practice and its continued growth. Figuring out how to retain clients, attract new ones, effectively communicate, and build name recognition can be an onerous task at best, and one which is thoroughly procrastinated at worst. I believe lawyers procrastinate on marketing for several reasons:

- Most lawyers didn't go to law school to be salespeople;
- Marketing pulls many lawyers out of their comfort zones;
- Many lawyers are more introverted than extroverted (gaining energy from inward pursuits versus from interactions with people);
- Most lawyers did not learn marketing strategies in college or law school;
- On the inside, lawyers hope word of their expertise and knowledge will spread across the galaxy, and that clients will call (the "If I build it, they will come" approach);
- They are just too darn busy cranking out client work to focus on sales and marketing;
- They are the fortunate benefactor of a senior partner providing more work than one human could ever do in a year; and,
- Marketing requires a long-term approach to relationship building; lawyers want to see results *now!*

I often remind our clients that if they wait until they have *time* to market, it will likely be too late. It takes years to build and nurture the relationships that will ultimately become your best clients and referral sources. So, why do so many lawyers put off until tomorrow what they should be doing today? How can we boil down marketing best practices into easy, bite-sized, manageable tasks so the process isn't so daunting? Here are 10 things you can do today — OK this week — that will help you weave marketing into the very fabric of your practice because marketing is not just something to do if and when you have the time:

1. **Call or visit your best clients** just to talk about how their business is doing in this economy and to brainstorm ideas. Let them know you are not billing for your time.
2. **Set up a coffee meeting** with one of your best referral sources (a banker, CPA, consultant, therapist, consultant) *just* to reconnect and hear more about how they're doing.
3. **Update your professional biography** since it's likely too long since the last update. Make sure you add presentations you have given, articles you have written, new volunteer positions, and update the services you offer clients.
4. **Create some representative experience** to augment your professional biography (client type, client issue, your approach/solution, the result). Clients want to see that you have done what they need.
5. **Project your revenue** by creating a simple list of current clients and what you project they will generate in revenue this year. Figure out how many cases or transactions will carry into next year and estimate how much revenue you already have "on the books." Based on your revenue goal, subtract current client projected revenue from your total revenue goal to determine just how much new business you need to develop.
6. **Use LinkedIn to reconnect with business colleagues** so you can research exactly what they've been up to, career moves, contacts they have, and most importantly, how you might be able to help them. (see last month's article on How to Use LinkedIn to Develop New Business).
7. **Outline an article** you could have published which would showcase your expertise, and be read by prospective clients and referral sources (note: don't write the whole article. Start with an outline and present this to your targeted list of editors).
8. **Take a referral source to lunch** and discuss what's going on in their business. Consider conducting a seminar for clients, or co-authoring an article together. The benefit? Access to one another's clients.
9. **Join a trade or professional association** that attracts prospective clients and referral sources and make a commitment to attend each monthly meeting (also offer to write and speak).
10. **Create your sales pipeline** to track those in your network with whom you have true sales and marketing potential. Then, hold yourself accountable to following up and making the calls

Procrastination is very common among perfectionists, and many lawyers are high achieving individuals prone to perfectionism. What is most important in your marketing effort is that you integrate marketing into what you do each day versus waiting until you have time to market. Block out 30 minutes or one hour each day to work on the 10 ideas above or other activities you are already pursuing.

In conclusion, there was an iconic book written by Brian Tracey in 2007, "Eat That Frog." The book covers specific ways to stop procrastinating and get more done in less time. The book has helped many of our clients overcome procrastination and we think it worth reading.

Terrie Wheeler, MBC is the founder and president of Professional Services Marketing, LLC. For more information or to sign up for a free webinar visit www.PSM-Marketing.com or call (320) 358-1000.

Six Ways to Build Momentum in Your Practice

By Kimberly Alford Rice

We have all been there finding ourselves too busy with client work to breathe and then the rollercoaster heads downward and we're searching for new projects. It can be challenging to devote any time to developing new work when your plate is already full. But, what happens when we've eaten what we've killed, proverbially speaking?

I work with law firm clients consistently who voice the same complaint: "I'm so busy, until I'm not." This common thread began my wheels turning on how to stabilize the perennial ebbs and flows of business development and how, if at all, can lawyers take proactive steps to get and keep momentum in their practices.

At the outset, I will directly state that those who engage in random acts of marketing need to just stop it ... now. It's a waste of all your resources and, in the end, doesn't reflect well on you as a business owner. Instead, I offer a better approach: develop and maintain a balanced approach by creating momentum to your business development efforts.

When lawyers genuinely invest in building a prosperous practice, one of the quickest ways to get there is by focusing your time and energy on the concrete steps that matter most: delivering extraordinary service to existing clients (to sow the seeds for recurring assignments) and targeted relationship-building to develop new clients and referral sources.

By taking concrete action in a purposeful way, you will generate momentum which must be sustained to build traction with your business development efforts. The more you can *just do it*, the more momentum you will build; the more comfortable you will be with the task; and the more effective you will be.

Often, we see attorneys begin on a high note, commit themselves to one or two business development initiatives, then struggle with sustaining the momentum. Follow through is critical to building a prosperous practice.

In short, the momentum is stunted and whatever traction they created was lost. Below are steps lawyers can take to create and sustain momentum long term:

Plan for Success – Once and for all, stop the random acts of marketing that waste valuable resources and, most likely, end up making you feel like you are failing. Develop a six-month plan. Write down concrete action steps you will take on a weekly, if not daily, basis to meet your goals

Schedule these concrete action steps (such as reaching out to two-three referral sources every week for either a coffee date or lunch/dinner; draft a blog post twice month, etc.) in a calendar, whether that is paper or digital, do what works best for you. These should become *non-negotiable* commitments that you will honor and discipline yourself to take. Don't be shy to reward yourself after each action that you take.

Get Moving - Start reaching out according to your action steps. Begin researching blog topics. Research your LinkedIn connections for prospective introductions. Choose one action item that will contribute to one of your goals and take immediate action. Get moving, today. This means no postponing, no delaying, no procrastinating, *no excuses.*

Stay Focused - Remind yourself of your goals every day and stay focused on them. Post visual reminders on your mirrors at home, on your computer screen at work. When you find yourself distracted by something that is not directly in line with your goals, ask yourself, "Why?" Identify how you will manage future distractions and look for ways to eliminate them.

Stay Active - Do something every day that will bring you closer to your goals. It doesn't need to be big – it must be consistent and persistent. If too many days pass between actions, momentum will dwindle and eventually die.

Avoid Paralysis by Analysis - Nothing slows momentum more than indecision. Decide as quickly as possible and then take some immediate action to support the decision - no matter how trivial it seems.

Seek Support - Many successful rainmakers say that you must have an insightful coach and trusted adviser to guide you along the way. Build a strong team of supporters to help you to get and stay focused and to support your desire to bring cohesion and build a strong momentum to your business-building vision. All things are possible, if you keep your eye on the goal.

Remember, My Mantra - marketing success comes only through the consistent, persistent massive amounts of action over a prolonged period of time. There are no magic bullets or shortcuts to success!

Kimberly Alford Rice is principal of KLA Marketing Associates. For more information, call (609) 458-0415 or email kimberly@klamarketing.net.


Amie Singer Piccola

► The corporate technology practice at **Morris, Manning & Martin, LLP** has added an experienced corporate finance partner, **Amie Singer Piccola**. Singer Piccola focuses on transactions for growing companies in the areas of M&A, private equity, venture capital and debt financings.

► The international law firm **Bryan Cave LLP** announced that **Deborah Livesay** has joined the Atlanta office as of counsel with the labor & employment client service group. Livesay focuses her practice exclusively in the area of labor and employment. She represents management in all aspects of labor-management relations, equal employment opportunity and other employment-related issues. She represents a wide range of corporate clients in matters before federal, state and local government agencies and arbitration tribunals; advises clients concerning employment policy design and review; and conducts management training programs.

► **Paul Hastings LLP**, a leading global law firm, announced that **Paul Monnin,** a former federal prosecutor, has joined the firm's investigations and white-collar defense practice as a partner in Atlanta. He was previously with DLA Piper, where he led the white-collar litigation and internal investigations practice.


Ross M. Speier

► **Ross M. Speier** has joined **Baker Donelson's** securities and corporate governance practice group as an associate in the firm's Atlanta office. Speier focuses his practice on securities transactions, including 1933 Act filings and 1934 Act reporting, mergers and acquisitions, and general corporate matters, with a specific emphasis on real estate investment trusts.

► The health law department at **Baker Donelson** has recently earned several honors recognizing the group as one of the leading health care practices in the United States. Baker Donelson was ranked seventh on the American Health Lawyers Association's Top Honors 2014 list of health law firms in the United States. Baker Donelson earned a spot in the top 10 of Modern Healthcare's Largest Health Care Law Firms. Baker Donelson ranked number seven in the 2014 edition of this annual listing of the largest health care law firms in the country. Baker Donelson was ranked number two on the American Bar Association's first Annual Regional Law Firm Recognitions list of health law firms in the South. The listing recognizes by geographic region the largest health law firms in the United States.


Jonathan E. Green

► The American Legal and Financial Network recently named **Jonathan E. Green**, a shareholder in **Baker Donelson's** Atlanta office, to its inaugural Picture the Future list, identifying up-and-coming leaders in the mortgage banking industry. The list is a publication of ALFN's junior professionals and executives group network.


Carla Gunnin

► **Jackson Lewis P.C.**, one of the largest workplace law firms in the world representing management, is pleased to announce **Carla Gunnin** has joined the firm's Atlanta office as shareholder. Gunnin, who joins the firm from Baker Donelson, regularly litigates cases before federal and state administrative tribunals throughout the United States in matters of OSHA law and mine safety and health law.

► **Bryan Cave LLP** partner **Scott Killingsworth** has been named to Ethisphere Institute's shortlist of Attorneys Who Matter in ethics and compliance for the second consecutive year. The list includes a total of 31 outside counsel and another 42 lawyers who serve with distinction in government or as in-house general counsel or chief compliance officers. Killingsworth is one of only 12 private practice attorneys to receive this honor in both 2013 and 2014, and the only one in the Southeast.


Sabina Vayner


Tiffany Williams

► **Kilpatrick Townsend & Stockton** announced that attorneys **Sabina Vayner** and **Tiffany Williams** have been nominated and accepted into the Atlanta Intellectual Property Inn of Court. Established in 2010, the Atlanta IP Inn of Court serves as a forum for advancing professionalism, civility, ethics and legal excellence in the Atlanta IP legal community. The Atlanta IP Inn of Court fosters collegiality between its members and the judiciary. The Atlanta IP Inn of Court is a member of the American Inns of Court and the Linn Inn Alliance of National Intellectual Property Inns.

► **James P. Monacell,** a partner in the Atlanta office of **Smith, Gambrell & Russell, LLP,** announces the release of his book, Georgia Public Finance Law Handbook. This book provides the essential legal resource on matters of bonds and public finance in Georgia.


Charles S. Johnson, III

► **Holland & Knight** is pleased to announce that Atlanta partner **Charles S. Johnson, III** has been inducted by the National Bar Association into its Hall of Fame. The induction took place at the 2014 NBA Annual Convention in Atlanta July 29. Johnson was selected for his work in the legal field during his more than 40 years of professional service.

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for making a difference an everyday thing.

PNC is proud to congratulate Bill Moss on being a 2014 Man of the Year Candidate for the Leukemia & Lymphoma Society. We appreciate what you mean to our local community. Thank you for all that you do.

Bill Moss, Senior Relationship Manager,
404-495-6401 or william.moss@pnc.com
pnc.com

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